[H.A.S.C. No. 99-2]

DEFENSE DEPARTMENT AUTHORIZATION AND OVERSIGHT

HEARINGS

ON

H.R. 1431

[H.R. 1872]

DEPARTMENT OF DEFENSE
AUTHORIZATION OF APPROPRIATIONS
FOR FISCAL YEAR 1986

AND

OVERSIGHT OF PREVIOUSLY AUTHORIZED
PROGRAMS

BEFORE THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

NINETY-NINTH CONGRESS

FIRST SESSION

Part 7 of 7 Parts

CIVIL DEFENSE

HEARINGS HELD, MARCH 6 AND APRIL 17, 1985

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99TH CONGRESS
1ST SESSION

H. R. 1431

To authorize appropriations for civil defense programs for fiscal year 1986, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 1985

Mr. ASPIN (for himself and Mr. DICKINSON) (by request) introduced the following bill; which was referred to the Committee on Armed Services

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A BILL

To authorize appropriations for civil defense programs for fiscal year 1986, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated for the fiscal year ending September 30, 1986, to carry out the provisions of the Federal Civil Defense Act of 1950, the sum of $119,125,000.

H.R. 1431—FISCAL YEAR 1986 CIVIL DEFENSE AUTHORIZATION

House of Representatives,
Committee on Armed Services,
Military Installations and
Facilities Subcommittee,
Washington, DC, Wednesday, March 6, 1985.

The subcommittee met at 10 a.m., pursuant to call, in room B-318, Rayburn House Office Building, Hon. Ronald V. Dellums (chairman of the subcommittee) presiding.

OPENING STATEMENT OF HON. RONALD V. DELLUMS, A REPRESENTATIVE FROM CALIFORNIA, CHAIRMAN, MILITARY INSTALLATIONS AND FACILITIES SUBCOMMITTEE

Mr. **Dellums**. The Subcommittee on Military Installations and Facilities will come to order.

This morning the subcommittee will receive testimony on the fiscal year 1986 Civil Defense Program.

The request for fiscal year 1986 is for $119.125 million, a 34-percent reduction from the fiscal year 1985 appropriated level. This budget request appears to reflect a new direction and emphasis for the Civil Defense Program of the Federal Emergency Management Agency.

Much of the reduction in funding would be accomplished by switching many programs that were previously fully funded at the Federal level to a 50–50 match of Federal and State funds. I believe the subcommittee will want to look carefully at what impact this change will have on State programs and we expect to hear from their representatives later this morning.

The agency has also moved to utilize the research of other Federal agencies rather than duplicating their efforts by contracting for these studies themselves.

The witnesses today are the Honorable Louis O. Giuffrida, Director of the Federal Emergency Management Agency; General Richard Stilwell, Deputy Under Secretary of Defense for Policy; and Mr. Lacy E. Suiter, president of the National Emergency Management Association, and Mr. Richard Casanova, president of the National Coordinating Council on Emergency Management.

Mr. Giuffrida, we would like to welcome you this morning before the subcommittee, but before we begin this morning's testimony, the Chair would like to yield to our distinguished colleague Mr. Martin, who is the ranking minority member this morning, for such time as he may consume, to make any remarks that the gentleman deems appropriate at this time.

STATEMENT OF HON. DAVID O'B. MARTIN, A REPRESENTATIVE FROM NEW YORK

Mr. **Martin**. Thank you very much, Mr. Chairman. As I said before, it is a great privilege to be here and find out that readiness isn't meeting at the same time. I apologize to the chairman, he knows I try to be here on each and every occasion, but I have run into some real conflicts.

Mr. Giuffrida, I want to welcome you here again, and we are looking forward to your testimony. And as always, we will be hanging onto every word and try to do the best that we can by you and the department.

Mr. **Dellums**. The time of the gentleman has expired.

Any other comments to come before the subcommittee? Mr. Montgomery.

Mr. **Montgomery**. I have no comment.

Mr. **Dellums**. I thank the gentleman.

Mr. Giuffrida, we would like to welcome you before the committee. We have the full text of your prepared statement and without objection, it will appear at the appropriate point in the record, and you may proceed in any fashion you choose, sir.

STATEMENT OF HON. LOUIS O. GIUFFRIDA, DIRECTOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, ACCOMPANIED BY BERNARD A. MAGUIRE, ASSOCIATE DIRECTOR, NATIONAL PREPAREDNESS PROGRAMS; BILL WILLIAMS, ACTING ASSOCIATE DIRECTOR, EMERGENCY OPERATIONS; JOSEPH L. LaFLEUR, SUPERINTENDENT, EMERGENCY MANAGEMENT INSTITUTE; SAMUEL W. SPECK, ASSOCIATE DIRECTOR, STATE AND LOCAL PROGRAMS AND SUPPORT; DAVID McGLOUGHLIN, DEPUTY ASSOCIATE DIRECTOR, STATE AND LOCAL PROGRAMS AND SUPPORT, AND GEORGE JETT, GENERAL COUNSEL

Mr. **Giuffrida**. Thank you, Mr. Chairman, gentlemen.

I would like to explain in advance, Mr. Chairman, that I am not chewing gum; I have a sore throat.

Mr. **Dellums**. I'm sorry, we will have to suspend for just a moment. This is a very shattering vote, I am sure, to approve the journal.

Mr. **Giuffrida**. All right, we will be here when you get back.

Mr. **Dellums**. Sorry about that. We will recess for about 10 minutes or so.

Mr. **Giuffrida**. Yes, sir; we will be here.

Mr. **Dellums**. The subcommittee will resume its business and, again, Mr. Giuffrida, we welcome you before the subcommittee. We had one false start, I hope we can at least hear the balance of your testimony. We have already taken the action to incorporate the full text of your statement at the appropriate point in the record, so please proceed.

Mr. **Giuffrida**. Thank you, Mr. Chairman.

I am glad to be here again in front of this committee. I have a short amplifying verbal statement, and then with your approval and in the interest of getting you the best answers in the shortest amount of time, I would request that we proceed this year as we have in previous years. I have my designated hitters here with me and they will move forward, and questions that come from the committee, the responsible principal staff officer will simply jump in and take it if that's all right with you.

Mr. DELLUMS. That is appropriate, and we look forward to it.

Mr. GIUFFRIDA. Thank you, sir.

As you know, General Stilwell will be here to offer the Department of Defense views on these matters.

BUDGET REQUEST

The President's 1986 civil defense request, as you know, is $119,125,000. It reflects a significant decrease from the 1985 appropriated level—a decrease of approximately one-third.

These savings do not, however, signal any decision by this administration that the Civil Defense Program is of any less importance to our Nation and to the protection of each citizen.

The reductions do, however, reflect a determination that some civil defense expenditures, along with those of many other compelling Federal programs, must be cut to continue the process of curbing and bringing under control Federal deficit spending.

We have shared with members of the subcommittee and your staff officials specific breakouts of expenditures we are proposing in our key program areas authorized by the Civil Defense Act.

As is readily evident, no program activity is proposed to receive as high a funding level as it held in 1985. While you may wish to address specific proposed funding levels by programs in your questions, sir, I would like to quickly outline the several key principles we used to guide our decisionmaking process.

First, we have placed great emphasis in our determination on sustaining the level and professionalism of our human resources in emergency management at all levels of government. This emphasis is borne out by the fact that in 1985, about 61 percent of our budget was dedicated to maintaining emergency management staffing at all levels, while in 1986 we would have 78 percent assigned for these activities.

Our basic premise is that emergency readiness at all levels of government is fundamentally a function of the people who are trained and dedicated to planning for emergency events and responding when disasters strike. This is clearly a priority and emphasis set in the Civil Defense Act, and most particularly in the amendments enacted under this subcommittee's leadership in the past 3 or 4 years.

In this regard, Mr. Chairman, we would like to point out that the emergency management assistance funding, available to State and local governments on a 50-50 match basis to pay salaries and administrative allowances, is reduced by 12 percent versus an overall reduction of approximately one-third.

At the same time, the Federal effort dedicated in our agency to these programs is reduced by 15 percent. This is lower than any figure than for the last 20 or so years.

Second, we have established as a standard that our decisions would continue the strong emphasis on funding activities at the State and local levels where the first line of civil defense and preparedness and response to disasters will always be drawn.

In our 1985 budget, we have earmarked about 53 percent for the direct support of State and local programs, most of which funding is provided throughout comprehensive cooperative agreements with each State.

The actual levels of funding available for these programs must be reduced to meet the President's proposed 1986 budget savings. However, we have cut Federal level civil defense expenditures to what I believe are the actual bare bones to assure that the proportional shares of dollars available for each level of government remain at the same proportional shares as set in 1985 and continue to favor distributions to State and local governments.

We understand, of course, and have discussed with some of the people involved, that these reductions are not welcome by State and local leaders. We have had several meetings with them to explain our proposals and consider their input and I know you will be receiving their testimony also for your review. I assure you and the rest of the committee that their recommendations have been given by us very, very serious consideration.

I would like to point out that the 1986 request is at the 1981 level, of $119 million. If we had allocated the funds within that $119 million as they were allocated in 1981, emergency management assistance matching funds for State and local governments would have totaled only about $35 million—while research and other Federal programs would have been much larger than we are actually proposing for 1986. Rather than do that, however, we allocated $50.3 million for State and local EMA matching funds, while reducing research at the Federal level to a token amount and reducing other Federal accounts as well. Federal staffing is cut back to the 1981 level which, again, we did not do to the State and the local matching funds.

In the final analysis, I believe you will find that we have done everything possible to place each dollar we have requested into the activity where it will do the most good to promote emergency planning and response capabilities.

We understand that the cuts will likely require reductions in State and local emergency office staffs, depending on the capability of their funding to make up the difference.

However, we think we have offered the most feasible funding and cost-sharing alternatives possible under the Civil Defense Act to keep cutbacks to a minimum and to make efficient use of the Federal dollars available.

Mr. Chairman, I must reiterate that the Civil Defense Program, even in its reduced configuration for the 1986 budget request, continues to offer the Nation the only viable means of planning for and responding to large-scale emergencies and disasters.

This is the only game in town, sir. The Congress realized that civil defense could not be limited to wartime planning and, in fact, amended the Civil Defense Act to expand readiness planning for all kinds of events that threaten the life and property of American citizens.

It was this initiative of the Congress which set the stage for FEMA's actions these last 2 years to move from costly and less than efficient single-incident planning to multiple-event readiness under what we call integrated emergency management system, or IEMS.

INTEGRATED EMERGENCY MANAGEMENT SYSTEM

IEMS is, in fact, a comprehensive manner of proceeding to improve overall emergency preparedness, starting at each community across the Nation. And its features include, first, in response to Congress' dictum: Multiple-emergency event readiness planning; localized assessments of the risks to public safety; flexibility in use of funding between our programs; best use of resources, of course; and close and cooperative relationships at all levels of government.

This integrated emergency management system fosters a full Federal, State, and local government partnership, with provisions for flexibility at the several levels of government for achieving common readiness goals. It is a grass roots approach, and it builds on what is already in place at each level in the country.

I am going to skip the rest of this, sir, with your approval, and will simply reiterate something that I testified to in front of your committee when I first came to Washington. I came, as you know, from California, from some 10 years as a State official, some pretty hard ideas about what I had perceived at that level as the Federal rule by fiat. Or in my experience, at least, with the agencies where I had principal contact for the State, there was too frequently an apparent failure to recognize at the Federal level that the Governor of a State is a chief executive in his own right—and that it's unfair for the Feds to impose requirements on the States without helping them to the maximum extent, particularly when it comes to this business of Government fulfilling its responsibility of protecting citizens against whatever threatens them.

From that background, you recall, sir, came my reorganization of FEMA and the inception of a directorate with a presidentially appointed director, specifically labeled State and local programs and support.

Everything that we have done, including the hard work that went into preparing this recommended budget, or this requested budget, rather, has not been pro forma. State and local programs and support to us means precisely that. We also have had the cooperation of some of the other State and local authorities who will be testifying in front of your committee today.

But there is a deficit, and we are one part of the Government's overall mechanism and within those guidelines that have come from the White House, we have made our budget preparation for you.

With your approval now, sir, I am prepared to take your questions and would ask just I permit some of my people to come up and sit here.

Let me introduce who I have here, sir: Bill Williams, the Acting Associate Director for Emergency Operations.

Mr. Dellums. Welcome, Mr. Williams.

Mr. Giuffrida. Bernie Maguire, National Preparedness Programs.

Mr. Dellums. Mr. Maguire, welcome.

Mr. **Giuffrida**. Sam Speck, State and Local Programs and Support.

Mr. **Dellums**. Mr. Speck.

Mr. **Giuffrida**. Joe LaFleur, who is Director of the Emergency Management Institute.

Mr. **Dellums**. Welcome, all of you gentlemen, before the subcommittee this morning.

Will that conclude your opening remarks?

Mr. **Giuffrida**. That's fine, sir, I will cut out the rest of it. I will submit it for the record.

PREPARED STATEMENT OF HON. LOUIS O. GIUFFRIDA

Mr. Chairman, I am honored to appear before the subcommittee today to offer testimony and answer your questions on the President's fiscal year 1986 funding and authorization request for civil defense. General Stilwell, the Deputy Under Secretary of Defense for Policy, is here to offer the views of the Department of Defense on these important programs.

Mr. Chairman, the President's 1986 civil defense request is $119.125 million. It reflects a significant decrease from the 1985 appropriated level—a decrease of approximately one-third.

These savings do not signal any decision by this Administration that the civil defense program is any less important to our Nation and to the protection of each citizen. The reductions do, however, reflect a determination that some civil defense expenditures, along with those of many other compelling Federal programs, must be cut back to continue the process of curbing and bringing under control Federal deficit spending.

We have shared with members of the Subcommittee and your staff officials specific breakouts of expenditures we are proposing in our key program areas authorized by the Civil Defense Act. As is readily evident, no program activity is proposed to receive as high a funding level as it held in 1985. While you may wish to address specific proposed funding levels by programs in your questions, I would like to outline quickly the several key principles we used to guide our decision-making process.

First, we have placed great emphasis in our determination on sustaining the level and professionalism of our human resources in emergency management at all levels of government. This emphasis is borne out by the fact that in 1985 about 61 percent of our budget was dedicated to maintaining emergency management staffing at all levels while in 1986 we would have 78 percent assigned for these activities. Our basic premise is that emergency readiness at all levels of government is fundamentally a function of the people who are trained and dedicated to planning for emergency events and responding when disasters strike. This is clearly the priority and emphasis set in the Civil Defense Act, and most particularly in the amendments enacted under this Subcommittee's leadership in the last 3 or 4 years.

In this regard, Mr. Chairman, I should point out that the Emergency Management Assistance funding, available to State and local governments on a 50-50 match basis to pay salaries and administrative allowances, is reduced by 12 percent versus an overall reduction of approximately one-third. At the same time, the Federal effort dedicated in our Agency to these programs is reduced by 15 percent. This is lower than any figure for the last 20-plus years.

Second, we have established as a standard that our decisions would continue the strong emphasis on funding activities at the State and local levels where the first line of civil preparedness and response to disasters will always be drawn.

In our 1985 budget, we have earmarked about 53 percent for the direct support of State and local programs, most of which funding is provided through our Comprehensive Cooperative Agreements with each State. Clearly, the actual levels of funding available for these programs must be reduced to meet the President's proposed 1986 budget savings. However, we have cut Federal level civil defense expenditures to what I believe are the "bare bones" to assure that the proportional shares of dollars available for each level of government remain at the same proportional shares as set in 1985 and continue to favor distributions to State and local governments.

We understand that these reductions are most certainly not welcomed by State and local leaders. We have had several meetings to explain our proposals and consider their input and I believe that you will be receiving their testimony for your review. I assure you that their recommendations were given our most serious consideration.

I would like to point out that the 1986 request is at the 1981 level, of $119 million. If we had allocated the funds within that $119 million as they were allocated in 1981, Emergency management assistance matching funds for State and local governments would have totaled only some $35 million—while research and other Federal programs would have been much larger than we are proposing for 1986. Rather than do that, we allocated $50.3 million for State and local EMA matching funds, while reducing research to a token amount and reducing other Federal accounts as well. Federal staffing is cut back to the 1981 level which, again, we did not do to the State and local matching funds.

In the final analysis, I believe you will find that we have done everything possible to place each dollar we have requested into the activity where it will do the most good to promote emergency planning and response capabilities. We understand that the cuts will likely require reductions in State and local emergency office staffs, depending on the capability of their funding to make up the difference. However, we have offered the most feasible funding and cost-sharing alternatives possible under the Civil Defense Act to keep cutbacks to a minimum and make efficient use of the Federal dollars available.

Mr. Chairman, I must reiterate that the civil defense program, even in its reduced configuration for the 1986 budget request, continues to offer the Nation the only viable means of planning for and responding to large-scale emergencies and disasters. The Congress realized that civil defense could not be limited to wartime planning and amended the Civil Defense Act to expand readiness planning for all kinds of events that threaten the life and property of American citizens.

This initiative set the stage for FEMA's actions these last 2 years to move from costly and less efficient single-incident planning to multiple-event readiness under the Integrated Emergency Management System (IEMS). IEMS is a comprehensive manner of proceeding to improve overall emergency preparedness, starting at each community across the Nation. Its features include: Multiple-emergency event readiness; localized assessments of the risks to public safety; flexibility in use of funding between our programs; best use of resources; and close and cooperative relationships at all levels of government.

IEMS fosters a full Federal, State, and local government partnership, with provisions for flexibility at the several levels of Government for achieving common readiness goals. It is a "grass-roots-up" approach, and builds on the foundation of existing emergency plans and systems.

FEMA was established to foster a comprehensive national system for emergency management and to support the infrastucture at Federal, State, and local levels and in the private sector to mitigate, plan for, respond to, and recover from emergencies of all types. Integrated emergency management is of special significance in the civil defense program because it is this program which accounts for the preponderance of the Federal Government's support for State and local emergency management personnel as well as for the programs which improve their ability to save lives.

We have confirmed the validity of integrated emergency management in our partnership with State and local governments. Local emergency plans now address all hazards likely to affect the people of each locality, based on a hazard analysis for that community. Some hazards give enough warning of their onset that there is usually time for people to leave the threatened area and go to a safer place. Evaluation is thus usually the best tactic for hazards such as a hurricane, a flood, the release or threatened release of a toxic substance such as chlorine, a nuclear power plant accident, or an acute international crisis. Other threats arise suddenly—such as a tornado or earthquake—and people must therefore be protected in-place, at or near their homes, schools, or places of work. Time ordinarily does not permit leaving the threatened area.

New emergency plans seek to address all hazards and emphasize evacuation, in-place protection, warning through local news media on "where to go and what to do" for protection, direction of lifesaving operations, fire protection, traffic control, and sheltering and feeding. Ultimately, all single-purpose emergency plans—whether for hurricanes, earthquakes, flood, or enemy attack—will be integrated into full-spectrum plans.

FEMA has thus made substantive changes in its programs to assure that essentially all effort will save lives in emergencies of all types.

Mr. Chairman, we have made these changes because they are in line with the mandates set forth by the Congress, especially in 1980 and 1981 amendments of the Civil Defense Act, and with current Presidential directives as well. We have made them because they are in keeping with the basic thrust and intent when FEMA was established in 1979 and the recent streamlining of State and local organizations. And we have made them because they are based on common sense grounds including economy; multiple-use of scarce tax dollars; and increasing the effectiveness of government at all levels in dealing with the emergencies which threaten lives every day. Though it is not perfect, FEMA's IEMS has made truly remarkable progress toward establishing, for the first time in our Nation's history, a true national emergency management system.

In conclusion, I urge that the President's Fiscal Year 1986 request for $119.125 million be approved. Humanitarian concerns dictate that we maintain capabilities to save lives in all emergencies. Fiscal Year 1986 reductions are necessitated by the critical need to reduce the deficit. Yet the budget we are requesting will provide a viable program which continues to contribute very significantly to experienced personnel and essential systems which are basic to emergency management capabilities throughout the United States.

Mr. Chairman, I would be pleased to respond to any questions that you and other Subcommittee members may have.

ATTACHMENT A.—FISCAL YEAR 1986 CIVIL DEFENSE PROGRAM REQUEST

[Budget authority in millions of dollars]

Appropriation and program	Fiscal year 1985 estimate	Fiscal year 1986 request
Emergency management planning and assistance:		
State and local emergency management	58.800	51.300
Radiological defense	10.274	6.274
Population protection	12.948	6.148
Protection of industrial capability	1.500	0
State and local direction, control and warning	12.056	.681
Research	2.287	.467
Training and education	14.918	8.528
Telecommunications and warning	32.339	15.900
Salaries and expenses	32.832	29.807
Total	177.954	119.125

HIGHLIGHTS OF FEMA FISCAL YEAR 1986 BUDGET REQUEST FOR CIVIL DEFENSE

FEMA's FY 1986 request for civil defense activities totals $119.125 million, a reduction of 34 percent from the FY 1985 appropriation level. The FY 1986 request provides for maintaining experienced personnel to the maximum extent possible. Funds provided directly to State and local governments are 53 percent of the FY 1986 request, the same proportion as in FY 1985.

The FY 1986 request will continue emphasis on the Integrated Emergency Management System (IEMS). IEMS embodies a focus on the functions needed across the spectrum of potential emergencies.

Outlined below are highlights of FEMA's FY 1986 civil defense request, in the order in which elements appear in the budget justification.

1. State and Local Emergency Management ($51.300M):

a. Emergency management assistance ($50.300M).—This element provides matching funds to support State and local emergency management staffs. The FY 1986 request is reduced by 12 percent from the FY 1985 level, and will support staffs in approximately 2,500 local jurisdictions.

b. Other State and local emergency management ($1.000M).—This includes funding for Individual Mobilization Augmentees (IMA's), military reservists who assist State and local as well as FEMA offices in preparedness activities and during emergency operations. The FY 1986 request includes reduced funding for this program, with a view to transition over a 3-year period to support by reservists on non-pay status.

2. Radiological Protection ($6.274M):

a. Planning and development ($1.274M).—The FY 1985 budget provided funding for 52 full-time Radiological Officers (RO's) for State operations staffs, with responsibility for preparation for nuclear attack hazards as well as peacetime radiological hazards (such as transportation accidents involving radioactive materials or nuclear power plant accidents). Support for RO's in FY 1986 will be provided on a matching-fund basis rather than with full Federal funding as in FY's 1981–1985, to the maximum extent that the States are able to shift to the matching-fund approach. Emphasis will be on developing radiological protection annexes to State and local emergency operations plans and on exercising the plans.

b. Instrumentation ($5.000M).—the existing stock of some 4.2 million radiological instruments, procured in the earlier 1960's, requires periodic maintenance and calibration. This has been provided by approximately 140 State-level technicians. In FY 1986 these technicians will be supported with matching funds, rather than being fully funded as in FY's 1966–1985, to the extent the States are able to make the arrangements needed to change over to the matching-fund approach. The FY 1986 budget also provides for a low level of activity to continue development of modern instruments, to provide a basis for procurement should funds become available in the future.

3. Population Protection ($6.148M):

a. Population protection planning ($4.200M).—Starting in FY 1984 this element was broadened to include multiple-hazard planning at State and local level, including natural and technological as well as attack hazards. State planners assist localities to develop plans to protect the population from all hazards determined by vulnerability analyses to be potential threats to each specific locality. In FY 1986, the current group of 205 State-level professional planners will be supported with matching funds, rather than full Federal funding as in FY's 1966–1985, to the maximum extent the States are able to transition to the matching-fund approach. Emphasis will be on developing and exercising emergency operations plans

b. Facility survey, engineering and development ($1.948M).—Engineering surveys identify structures providing fallout protection and protection against natural and technological hazards as well as structures which can provide temporary lodging for evacuees forced to leave their homes by any of a variety of hazards. Starting in FY 1984, an increased percentage of surveys was conducted by the State. The FY 1986 budget provides for support of surveys on a matching-fund basis, to the maximum extent the States are able to make the necessary arrangements, rather than on a fully federally-funded basis as in FY's 1962–1985.

4. Protection of Industrial Capability ($0):

The FY 1986 budget requests no program funds for activities related to protection of essential industry or key workers. However, in-house effort will focus on providing advice, assistance and training to industries on measures to mitigate and respond to emergencies of all types. This effort will include providing an industrial protection guide for industry planners as well as training courses at FEMA's National Emergency Training Center. FEMA will also work in close cooperation with DoD to identify essential industrial facilities and develop approaches to planning for their protection.

5. State and Local Direction, Control and Warning ($0.681M):

In FY 1986 no funds will be provided for development of (a) State and local emergency operating centers (EOC's, for control of operations by key local and State officials in all types of emergencies); (b) survivable State and local warning and communications systems; (c) protection of broadcast stations; or (d) electromagnetic pulse (EMP) protection for broadcast stations and EOC's. Efforts in FY 1986 will focus on the following:

Federal guidance for State and local governments on operations planning and procedures, on facility and system criteria, and on standards essential to national objectives (relating to State and Local Continuity of Government and to compatibility with the National Emergency Management System, NEMS).

Technical assistance and guidance to State and local governments in protective engineering, communications systems design and planning, and electromagnetic pulse protection.

Identification of incentives to support development of State and local capabilities, in cooperation with organizations involved in community-level emergency response such as fire, police, rescue, emergency medical, amateur radio services, private sector radio services, and public utilities.

6. Research ($.487M): A minimal research effort will be conducted in FY 1986.

7. Training and Education ($8.528M): In FY 1986, training now conducted by the States on a fully-funded basis will be supported with matching funds, to the maximum extent to which States are able to make the necessary new arrangements. Stipends for student travel to the National Emergency Training Center (NETC) campus have been eliminated, rather than being reimbursed as in prior years. The FY 1986 request provides limited funding to open a western campus extension for classes in April 1986.

8. Telecommunications and Warning ($15.900M): The FY 1986 budget provides in general for operation and maintenance of existing systems, including the National

Warning System (NAWAS, a wireline system to provide warning of attack and of peacetime emergencies such as tornadoes and other severe-weather threats). Programs initiated in FY 1984 to upgrade the landline equipment used by NAWAS are discontinued.

9. Salaries and Expenses ($29.807M): The FY 1986 request provides for 567 workyears for program development and management, as compared to 666 workyears in FY 1985.

Mr. DELLUMS. The Chair will now recognize Mr. Martin for as much time as he may consume.

Mr. MARTIN. Thank you very much, Mr. Chairman. I hate to use this time to start right off talking about parochial matters, which I know that you are aware of as far as the State of New York and the flooding that we had back in January. The first year I was here, we tried to set up a program with our State and local people so that they would know what the procedures were. Rather than calling the Congressman and have him say, "We have a flood, send money immediately." That they would know the whole procedure in a claim of local declaration through the Governor's office.

We followed that procedure with our recent flooding, and that's been better than a month now. It has been my understanding that somehow after it comes to your office, that it has to be hacked on by the White House. Perhaps that is where the problem is and why we haven't had a resolution of the problem at this point.

That's a beautiful building down there at 1600 Pennsylvania Avenue, and we all know that the President is the Chief Executive—but my next question is: Which one of those folks do I talk to? Which one of them is making the decision? Do we have a name of a person that I ought to be talking to?

Mr. GIUFFRIDA. In the past and, as a matter of fact, right now, Mr. Martin, the request has to go to the President since, as you know, he is the only one that can approve it. We have worked through the New York office on both of these projects. There are some requirements imposed by Public Law 93-288 which we are legally obligated to measure against before we make a recommendation. I am the one who signs off on the recommendation.

I simply address it to the President at the White House, and it goes to the Chief of Staff's office. In the past, it used to go from me to Mr. Meese—that office of Counselor no longer exists, as you know, so they go now through the Chief of Staff's office. In the White House, they go also to the legal counsel's office who checks it for legal sufficiency, and then to the President. The President actually is the one who signs off on the request either to approve or deny.

If it is approved, he sends a letter; if it's denied, I write the Governor a letter and explain—I try to check on that package at this point. All I can tell you is that it has cleared some of the stops—I am trying to chase it down now and find out exactly where it is.

Mr. MARTIN. We would appreciate finding out just exactly where the roadblock is for a decision one way or another—if you could let me know.

Mr. GIUFFRIDA. I surely will. As soon as I leave here, I will check again myself, and I will call you myself.

Mr. MARTIN. OK.

One other thing on the budget you are requesting: It's one-third less than it was in prior years. You are aware of my support in prior years, and it is somewhat contentious—and, candidly, I raise this question, in that while disaster preparedness and reacting to not only the threat of some type of catastrophe relating to war, but also in times of peace to these natural disasters that we are talking about, I would suggest that the engine that drove the authorization appropriation, an awful lot of it had to do with that natural catastrophe preparedness. OK?

So, I want to know in this request for substantially fewer dollars what is going to be the impact? Is there going to be any change in your organization's priorities with respect to natural disasters, because we ought to let our colleagues know that up front. And do you see any reduction in our preparedness as far as natural disaster with a one-third cut in the budget?

Mr. GIUFFRIDA. Obviously, a one-third cut in dollars on any program means that you have to really look hard at those priorities that you have established. But the genuine and complete answer to your question is we are doing our best to make sure that it does not only detract from, but in fact, enhances—but it's a bare-bones budget.

We try to anticipate some of this—just as it is a normal obligation of any Government agency to try to get two bangs for each buck—when we went into our interpretation of Congress' intent in the Civil Defense Act, we went, in fact, into the integrated emergency management system. We are not pushing off of that at all.

The emphasis for us clearly continues to be that Government's fundamental responsibility is to protect its citizens against any threat, natural or man-made, and that we are the agency which is supposed to be working with the State and local governments and other agencies to ensure that we get the best we can buy with the money that is available to us.

Mr. MARTIN. You know, throughout this country, every year, invariably, we have natural disasters. And if the perception is that perhaps the preparedness for that portion of it is proposed to planning in case of nuclear war, is going to be less and is going to cause an awful lot of problems in trying to get this bill passed.

Mr. GIUFFRIDA. There has been no reduction in disaster relief money, Mr. Martin.

Mr. MARTIN. Thank you, Mr. Chairman.

Mr. SPECK. Mr. Chairman.

Mr. DELLUMS. Yes, the gentleman may respond.

Mr. SPECK. The disaster relief moneys, per se, Congressman Martin, are separate from the civil defense budget, as you well understand. There is one particular element in there in terms of disaster preparedness grants for the States where it's actually proposed to increase those disaster preparedness grants in the budget.

Mr. MARTIN. Can you point to the specific numbers that relate to the last budget compared to the budget you propose?

Mr. SPECK. This is a very modest grant. It currently is at $25,000 per State, and it's proposed to double it to $50,000 per State in order to have a planner there to focus on disaster preparedness planning at the State level.

Mr. MARTIN. Thank you, Mr. Chairman.

Mr. DELLUMS. The time of the gentleman has expired. The Chair now recognizes Mr. Montgomery for such time as he may consume.

Mr. MONTGOMERY. Thank you, Mr. Chairman, General, and other witnesses this morning. My State is one of those that seems to have more natural disasters in it than any other State, so naturally I have some concern for the situation of this barebones budget, as you call it, from FEMA.

How are you going to handle these natural disasters? I wish we weren't going to have them, but we will, in all parts of the country.

DISASTER RELIEF

Mr. GIUFFRIDA. Well, sir, the money for relief funds, Presidentially declared emergencies and disasters have not been decreased in our request. That is the one item in the budget with which I am least concerned. And the reason I say that is because if we had *x* number of dollars that the Congress had put in there, and it turned out that Alabama, and the bay area, and the State of New York, and the others have used all the money, I can't imagine that Congress would not replenish the money in that fund. It would have to come from the Congress—there's no place else to get it. You see, I am being perfectly candid.

Mr. Montgomery, I honestly think that if the need is there, we will make it. Last year, the disasters were submitted in proportions—and we coordinated, not just our money, but in our coordinating function, something in the vicinity of $1,247 million, and last year they got four. And the Congress made the money available.

We did our best to make sure that it was spent in accordance with the intent of the law, but the Congress made the money available.

Mr. MONTGOMERY. On civil defense, this budget would change that, however?

Mr. GIUFFRIDA. The civil defense budget changes the amount of money that we would otherwise have made available in some of our programs such as in the State comprehensive cooperative agreements. Yes, sir, it reduces some of the money.

Mr. MONTGOMERY. Thank you, Mr. Chairman.

Mr. DELLUMS. The time of the gentleman has expired.

The Chair now recognizes Mr. Hutto for such time as he may consume.

Mr. HUTTO. Thank you, Mr. Chairman.

I want to ask you, Mr. Giuffrida, about the State and local participation. You know, we can put our money at the Federal level, and have these huge deficits, but, unfortunately, our local State governments can't do that.

Now, some of the States, of course, are doing pretty well with surpluses.

How is this going to affect the local civil defense efforts? And, if you will, explain to me how this is allocated? Is it all through the State organization and then down to the localities?

Mr. GIUFFRIDA. With your approval, I will give you a quick, general response and then turn to Dr. Speck for the details of your question, Mr. Hutto.

Mr. HUTTO. OK.

Mr. GIUFFRIDA. Clearly, it is going to impact adversely, of course, at various levels on some of the States.

My own private opinion is that the degree of impact to some extent, at least, will be a function of the amount of time and attention and dollars that that State has already put into its emergency management planning and apparatus.

There are disconnects in budget cycles. Some States only prepare a budget every 2 years—like Virginia, like Tennessee, I think; like Wyoming, and some other States—every 2 years. In some of our States, the legislature meets for only 60 days every 2 years, so they have a great deal in one State, and you will hear from them later on.

The Governor would have to reassemble the legislature, which he is not likely to do—and we were aware of that. That was, however, essentially one of the immutables in the equation when we were pondering it. As to the actual breakouts when we were trying to minimize that negative part, I will give it to Dr. Speck now.

Mr. SPECK. Thank you, Director and Congressman Hutto.

EMERGENCY MANAGEMENT ASSISTANCE FUND

The largest amount of money going to State and local governments goes under what is known as the emergency management assistance fund, or EMA, and that was the one area where it was the director's priority that we reduce that the least of anything. And while there was essentially a one-third reduction in the budget, there is only a 12-percent reduction in that particular fund. That fund goes to State and local governments to fund the emergency management infrastructure—it goes for your basic people to do your emergency management planning at the State and local levels. The provision is, unless a State can give a special reason for not doing it—two-thirds is to go to the local level and one-third to the State level—unless a State is doing local planning for some of its local governments.

Mr. HUTTO. But it's all channeled through the State?

Mr. SPECK. Yes. EMA is, as I say, still the main element in the budget that was reduced the least and that remains at $51.3 million. I might say that's considerably above what it was when we had an equivalent budget in 1981. Indeed, that figure of 51.3 percent is 44 percent or 43.7-something percent, to be exact, over what it was in 1981.

Mr. GIUFFRIDA. Just a moment. What Dr. Speck is describing, as you recognize, Mr. Hutto, is that they took us back—this number that we have got in front of the committee is the 1981 number. Had we applied 1981 criteria to this number, the amount of money going to the States would be appreciably less.

RADIOLOGICAL AND POPULATION PROTECTION

Mr. SPECK. Now, in the area of RADEF, radiological instrumentation to deal with all kinds of potential radiological contamination, and in the area of population protection, which has to do with planning to protect your people either in place or by movement, we would continue to have a 50–50 match in these areas, previously we had provided 100 percent Federal funding. And we are proposing to cut that back to a 50–50 match that would be phased in over a 2-year period where we would allow the State governments to make a determination as to whether they wanted to have the aggregate come for 100 percent funding or whether they would reduce it to a 50–50 match from the number that they could do under that. It would give them the flexibility to determine whether or not they want to continue at 100-percent funding but at a lesser number of people funded, or 50-percent funding for the same number of people they are currently funding.

Mr. Dellums. If the gentleman will yield.

Mr. Hutto. Yes.

Mr. Dellums. Let me just ask one follow-on question.

With respect to radiological and population protection, what number of personnel do you anticipate having to terminate as a result of that decision?

Mr. Speck. Mr. Chairman, I am not certain that there is a number that one can give you because I would hope that we would not seek termination of any personnel. As States would pick up on the 50–50 match, one would hope they would be able to do so and that we would be able to retain the same number of personnel as we have at the present time.

In the EMA area, I think it's important that we have always had more requests for funds than we have been able to match. And if that indicates that there is additional resources out there for this kind of planning, then we may see the States making additional contributions in these areas and not see a reduction in the planning in RADEF and population protection planning.

It's going to depend on how the States are able to respond.

Mr. Dellums. I thank the gentleman. I thank the gentleman for yielding.

Mr. Hutto. It's a 34-percent cut from last year's appropriations—the 1985 appropriations—to this year. That's in civil defense. How about the overall FEMA budget? Do you have a cut, and what percentage?

Mr. Giuffrida. There is a reduction but I can't give you it today.

Mr. Hutto. Are you talking about a reduction from this fiscal year?

Mr. Giuffrida. Agencywide.

Mr. Hutto. OK. Well, now, you don't have that——

Mr. Giuffrida. We have it right here now.

Mr. Hutto. OK.

Mr. McGloughlin. The total agency budget in 1985 was $469 million, and the total budget in 1986 is $348 million, roughly.

Mr. Hutto. OK. That's a sizable reduction.

Are you terminating some of your people on the Federal level?

Mr. Giuffrida. We hope we won't be required to do that, Mr. Hutto. That would certainly be an option of last choice.

Mr. Hutto. With respect to the proposed budget, except for those that are destined for termination, or being proposed to eliminate, you got hit harder than most people, didn't you? Are you some kind of stepchild or something?

Mr. Giuffrida. No, I don't think that stepchild is an accurate description at all. On the contrary, I think, considering that this agency is a visible, identifiable agency, not quite 4 years old, irrespective of what the law says. It became an agency when we occupied our present headquarters in October 1981. And every year our budget has in fact been a pretty good budget—others have gone up. But I don't think that this agency should be excluded from looking hard at its programs nor should the Department of Defense, or HUD, nor any other agency.

Mr. HUTTO. But in Defense, we are not going to cut. We might have a freeze plus inflation, or we might have a 2- or 3-percent increase, or something like that.

Mr. GIUFFRIDA. Implying Defense may not have been the particular appropriate choice. But what I am trying to articulate, though, Mr. Hutto, is that the message has come from the administration and from the Congress, that this deficit is eating this Nation alive, and everybody has to look hard at what they are doing. And everybody, in this case meaning agencies and departments, has to make sure that they don't have a single nice-to-have item in their budget. The only thing they have is those necessary-to-have items. And that's what we are trying to respond to.

Mr. HUTTO. Well, there's no question that we have got a problem. It's a matter of priorities, and I am just wondering where the civil defense priority is. It doesn't seem to be very high.

Mr. GIUFFRIDA. Well, I think civil defense is a matter that we never clearly defined.

Mr. HUTTO. It's just a very small business administration.

Mr. GIUFFRIDA. I swore I wasn't going to get off on this, but I am going to get off on it. Now take us back to when we first started debating this issue.

My definition of civil defense does not agree with most people's definition of civil defense, and now the Civil Defense Act is finally coming closer, after you amended it, to my definition.

For too many people, civil defense means only protection against nuclear attack upon the United States. To me, it means, and if I had a magic wand I would make it mean the same thing for everybody. It means all of the legal, reasonable, prudent, and acceptable things that a government does to protect its citizens, irrespective of the origin of the threat: hazardous materials, floods, or attack upon the United States. That's the logic behind the integrated emergency management system that we have set up, and that part of it—and in my honest, professional opinion, sir, we are about 4 light years ahead of where we were in 1981.

There is in place a system that extends to all of the States. There is a continuing dialog using the common vocabulary between and among the States and the Feds. There has been an extraordinary explosion of training programs, of how-to manuals, of meaningful meetings between us and the States and the people. So, civil defense, in that which I consider the proper context is anything but a stepchild—it has, in fact, been as hard and fast, and as force fed as we could force feed it.

Mr. HUTTO. Thank you.

Mr. DELLUMS. The time of the gentleman has expired.

Prior to you, then to Mr. Sisisky, the Chair would like to indicate first that the subcommittee is in receipt of communications from the Secretary of Defense with respect to the budget request before the subcommittee today, and without objection, would like that communication to appear at the appropriate point in the record.

[The following information was received for the record:]

THE SECRETARY OF DEFENSE,
Washington, DC, March 5, 1985.

Hon. LES ASPIN,
Chairman, Committee on Armed Services,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In response to your Committee's 1979 request for an annual report on the Federal Emergency Management Agency's civil defense budget, I am pleased to provide this statement of DoD's support for the proposed FY 1986 Civil Defense Budget.

The current strategic situation, the Strategic Defense Initiative, and the intent of the Congress as evidenced by appropriations for civil defense in recent years, indicate a need for an extensive and thorough review of our national civil defense objectives, policies and programs. We, the National Security Council, and FEMA are undertaking such a review as a matter of priority to provide a basis for decision on the Civil Defense Program for FY 1987 and beyond.

Pending the results of this review, we support the FY 1986 Civil Defense Budget as the minimum essential to maintain program elements currently in place.

A satisfactory working relationship continues to exist between FEMA and Defense Department officials on matters related to the integration of planning for nuclear attack preparedness with other strategic planning. A similarly satisfactory consultative relationship exists between the Defense Department and FEMA and the NSC staff on matters of civil defense policy and program content, and we are confident that the reveiw will produce an effective National Civil Defense Program.

A copy of this report has also been sent to the Chairman of the Senate Armed Services Committee.

Sincerely,

CASPAR WEINBERGER.

Mr. DELLUMS. And, second, the Chair would like to note that the Prime Minister of Italy, Mr. Craxi, will be addressing a joint session of Congress at 11 a.m. The Chair checked to determine whether or not the subcommittee could meet while the joint session was going forward, and the Parliamentarian indicated that we would not be in violation of rules of the House. The Chair would like to indicate that unless my colleagues have other thoughts—and I will certainly abide by the rules of the majority of the body—the Chair would like to proceed to finish the hearings and so it would not be the plan of the Chair to attend the joint session, but read it in the paper tomorrow.

Mr. SISISKY. I will be very fast because I am going over there.

Mr. DELLUMS. All right. So with that understanding, we will go forward this morning, and the Chair would like to yield to the gentleman from Virginia, Mr. Sisisky, for the time he may consume.

Mr. SISISKY. One of the things that is really bothering me is the State and localities, the cut of that $8.7 million. It is really bothering me. There are a lot of localities that put their own money in them. Am I correct, they just don't receive money from the States? There's a space that they are allowing the people to be in there. This Congress, in my opinion, is going to discontinue revenue sharing of $4.6 billion—whether we do it all at one time, or whether we do it in 2 or 3 years.

This has a direct impact upon the localities, and I am concerned about that. You know, we can talk, and we talk a lot about freezing all the programs. Do you remember last year, I was a little critical of some of the studies that you were doing. But is there any way to find that money out of this budget, since we are facing other things in the locality, to put it back into the local and the State level?

The President says that the States have plenty of money. I won't disagree with that because my State certainly had a surplus by doing things that were right. But I do worry about the localities, very much so.

And you talked about not cutting any of your employees up here. How many employees do you have in the D.C. area? And why, because of the drop in the program, are you not cutting any of the employees?

REDUCTION OF PERSONNEL

Mr. **Giuffrida**. I didn't say here in the District of Columbia, Mr. Sisisky. I said we hoped agencywide. We have, as you know, people in the 10 regional offices as well. I will ask Dr. Speck to start the response to you, then I will.

Mr. **Speck**. Mr. Chairman, and Congressman Sisisky, one of our objectives has been, in putting this budget together, to retain the skilled personnel which are your key element in emergency management at all levels. That was one of our top priorities as this budget was put together.

Another was to not only retain those skilled personnel, but to fund training so that you would be able to continue to train and expand the professionalism of the personnel that you have out there.

We also sought to do exactly what your concern would require, and that is target as much money as possible to the State and local governments. And that's why in the principal area where you build your infrastructure, your emergency management assistance, we reduced that percentagewise by only a third as much as the entire budget was reduced, which meant that a lot of categories—and particularly Federal categories—were completely zeroed out. When you look at research, for example, we zeroed that out. When you look at our protection of industrial capability, we zeroed that out. When you look at national telecommunications and warning, we cut that one half over what it was this year so that we could target those dollars to the State and local level. That's what we have accomplished here.

In terms of your Federal personnel, we are looking at a reduction of about 15 percent there. That takes us back to the level of personnel at the Federal level that we had in 1981 when there was an equivalent budget to this.

So we have proposed to carve back Federal personnel to, in essence, that 1981 level.

Mr. **Sisisky**. The basic question I have since you are answering it that way, is that you trimmed enough, and I think you only cut 12 percent—and I congratulate you for that—but I am thinking of the other part, you trimmed enough of that budget, you don't think you can find that $8.7 million; is that correct?

Mr. **Giuffrida**. That's correct, and you can appreciate that every one of those areas that Dr. Speck identified has brought with it its own peculiar flak, like R&D, like protection and industrial capability, and the rest of them. They bring a very articulate and well prepared group of advocates.

Mr. **Dellums**. Will the gentleman yield briefly?

Mr. **Sisisky**. I will yield, Mr. Chairman, and give back the balance of my time.

Mr. **Dellums**. I thank the gentleman.

The Chair would just like to ask the doctor a follow-on question.

Given the fact that the budget has now been reduced, it is our understanding that the very same percentage of funds that were allocated last year to the State and local communities of the total budget, the same percentage that is being allocated in a reduced figure in fiscal year 1986. Approximately 52 percent of the money, as I understand it, in fiscal year 1985 went to the State and local community when your total figure was 469. It is now reduced to 348, and as I understand it, it is the same percentage. Then in responding to the gentleman from Virginia, you are in effect saying that there is no adverse impact.

It is difficult to understand how the same percentage in a reduced budget would not create this kind of dislocation at some level. Am I making my point clear?

Mr. **Speck**. Yes, Mr. Chairman, and I would say that your figures are adequate. Essentially we are looking at the same percentage of the budget going directly to the States. I think you have to make the distinction between what is going directly to the States and indirectly to the States.

Now, in putting the budget together, we focused, as the director has indicated and I suggested, on people, on keeping that professional cadre, as it were, at the Federal, State, and local levels. And that meant that, where cuts had to be made, they were particularly made when it came to State and local direct transfers of money; they were made in what we might call the bricks rather than the bodies. And that meant in the area of State and local direction control warning kinds of things—your EOC's, your EMP protection, and EBS, and those kinds of things, the hardware kinds of things.

The personnel is spread across the country which builds your infrastructure across the country. Frankly, at the level of funding we have had heretofore, we have not had the ability to spread that same kind of support in terms of not people, but your hardware. There hasn't been the money to build all of those EOC's, and there hasn't been the money to provide the electomagnetic pulse [EMP] protection to all of these stations. And it has had to be more spotty because of the resources; it seemed that it was important to protect the personnel, and that's what we have done. That's where the focus has been.

Mr. **Dellums**. I thank the gentleman.

The Chair will now recognize Mr. Kramer for such time as he may consume.

Mr. **Giuffrida**. Excuse me, Mr. Chairman. I would like to call to your attention that General Stilwell is now here, and at your discretion, we are prepared to step aside if you want to call him up. We will leave that to you.

Mr. **Dellums**. The informal consensus here is that we will proceed in this fashion for a few minutes, and we will ask the general to come forward in a moment.

Mr. GIUFFRIDA. All right.

Mr. DELLUMS. The Chair recognizes Mr. Kramer for such time as the gentleman may consume.

Mr. KRAMER. Thank you, Mr. Chairman.

Can you tell us, approximately, how many employees allocated to civil defense work in the Washington, DC, area in the headquarters and how many work out in the field?

Mr. GIUFFRIDA. I can give you an overall view. We have some 2,600 employees, about 1,400 of those are out in the States, and about 1,200 are here in the D.C. area. A more specific breakdown is——

Mr. KRAMER. Is that civil defense or is that all functions?

Mr. GIUFFRIDA. That's all functions. For civil defense, we have 200 working in the regions, and 460 working here in Washington.

Mr. KRAMER. OK, so that is under the 1985 funding profiles; is that correct?

Mr. GIUFFRIDA. That's correct, yes.

Mr. KRAMER. And what happened to these ratios under your 1986 proposal?

Mr. GIUFFRIDA. Bernie.

Mr. MAGUIRE. I think the number overall for civil defense, the number of full-time equivalent personnel currently is 666 to 570 in 1986, on that order.

Mr. KRAMER. The ratio of 2 to 1?

Mr. MAGUIRE. Approximately, yes.

Mr. KRAMER. How does that——

Mr. GIUFFRIDA. Mr. Kramer, excuse me, I juxtaposed those numbers I gave you. The 200 is in Washington, and 400 is out in the States and the regions. I'm sorry, that's my error.

Mr. KRAMER. How does that relate to the other functions of the agency in terms of ratio between Washington and the field?

Mr. GIUFFRIDA. About the same.

Mr. KRAMER. Is there any way to put more people in the field and less people in Washington?

Mr. GIUFFRIDA. I'm sorry?

Mr. KRAMER. Is there any way, under this funding profile, that you would be able to perhaps put a little more emphasis on the field and a little less on the D.C. operations?

Mr. GIUFFRIDA. Of course, Mr. Kramer, we continue to examine exactly how we are using all the assets that are available to us and in our best judgment this is the allocation which will permit us to carry on the programs. We have already started to do a minimum essential amount of review and modification on the program.

Mr. JETT. Mr. Director, let me, if I may, just amplify, for a second.

I am George Jett, general counsel.

A part of FEMA's 1986 budget recommends that our regional structure be reduced from 10 regional offices to 6 regional offices. That will be as part of our salaries and administrative cutbacks that OMB has asked us to take. So, there may be larger proportional reductions in our regional structure than our headquarters structure that is implicit in that decision. That is not a matter of the Director's discretion as to where the cuts should or should not be taken in the civil defense functions. That policy is in the OMB decision.

But just for clarification, about two out of three of our civil defense officials, at this time, are in the regions. That proportion will continue even under the 1986 plan, but it would not be as high proportionally as it has been in the past.

Mr. **Kramer**. OK. So what you are suggesting is that the ratios will change?

Mr. **Jett**. I think the ratio will change as part of a separate issue. The agency is planning to consolidate during fiscal year 1986 from 10 regions to 6 regions. That is a part of our overall budget package that is before the Congress today.

Mr. **Kramer**. What does that mean, then, in terms of ratios? If there's 200 in Washington and 460 in the field in today's 1985 realignment, what does that mean for 1986?

Mr. **Jett**. I would have to provide you those exact figures for the record. There will clearly be a larger than 2-for-1 cut if a substantial part of our reduction in our overall work force is going to occur through the regional consolidation.

Mr. **Kramer**. Could you advise us of what the numbers would be?

Mr. **Jett**. We can, sure.

Mr. **Kramer**. Thank you.

In the Secretary of Defense's letter, which the chairman alluded to—you have seen this, I am sure, probably helped write it.

Mr. **Giuffrida**. Which one is that one?

Mr. **Kramer**. It's a letter from the Secretary of Defense that Chairman Dellums referenced a few minutes ago that was received for the record.

Mr. **Giuffrida**. I had no part of writing it and I confess I have not seen it.

Yes, sir, Mr. Kramer, I have the letter in front of me now.

Mr. **Kramer**. I would echo Mr. Hutto's comments that civil defense, you know, really, has been, although making some progress, is, nevertheless, not a priority, or has not been a priority. We have had some of those battles on the floor in the last couple of years. That, plus comments that have been made to me by some State and local officials high up in civil defense organizations, that as a practical matter, while we do have some capacity to meet emergency responses, we virtually have no capacity to meet the nuclear kind of situation.

Plus this letter that talks about a thorough reevaluation of where we are going in civil defense is a consequence of perhaps a total, hopefully so, a change in our national strategy where we have emphasis on strategic defense as opposed to offense.

Taking all of those things into account, do you have any recommendations as to how civil defense ought to be handled as a matter of national policy?

Mr. **Giuffrida**. Mr. Kramer, do you mean strong against the nuclear attack upon the United States?

Mr. **Kramer**. Correct.

DEFENSE AGAINST NUCLEAR ATTACK

Mr. **Giuffrida**. We visit this issue every year in front of this committee and other committees. Mr. Dellums asked me that question last year, and he asked me why we were even addressing preparing for a nuclear attack.

My response was that if I had the ability to do so, I would immediately place this Nation in such a state of planning and preparedness that could deal with a nuclear attack, because in that process we would have ipso facto prepared ourselves to deal much more effectively with this continuum of natural and manmade disasters.

In view of the political and budgetary work, I think that we are still on the best available track and that is to continue to push, as we have been pushing, this integrated emergency management system. In that system, whether we are talking about a catastrophic earthquake in California or in Tennessee, or a nuclear attack, we still have to train, identify, and communicate with the same elements, same communications and warning systems, the same systems for providing health care, the same technique for evacuating people from areas of high-risk areas, of lesser risk, same policemen, same firemen, and so on.

Mr. **Kramer**. I would not ask that question other than the fact that as a consequence not of this committee's action or any committee of Congress' action, but as a consequence of some decision within the administration. I mean, we have a different situation than we had last year. I mean, we had a funding profile situation while I have been on this committee that has gradually increased and placed a little higher emphasis each year on civil defense. I don't remember the number but I think that last year we were looking at a request of something in the neighborhood of——

Mr. **Giuffrida**. 250.

Mr. **Kramer** [continuing]. $252 million, or something. And I remember your testimony about how hard-pressed you would be if we, in terms of meeting obligations, if we were to make significant reductions below that amount. And after some negotiations and debates and so forth, we came out at a reasonably, what I thought, was—given other committee action and other committees—a reasonably high figure that showed, I think, a high level of approval for at least the trend lines as they were seen to be at that time.

Now we have a situation—and we are all aware of deficits, and people are talking in terms of freezes and so forth—but it seems to me that given the nature of the request here, we are, from the administration's point of view, we are taking a fairly drastic change and approach to this problem.

We are not talking about a freeze, we are talking about over a one-third reduction. At the same time, we are also getting a letter like this that doesn't say so much, but says a lot in what it doesn't say in talking about total Governmentwide policy and reevaluation for what civil defense is all about.

Can you tell us what's going on?

Mr. **Giuffrida**. Sir, I can't add anything. As I said, I have just seen this letter when General Stilwell handed it to me.

There is, of course, as you know, within the Civil Defense Act, a requirement for the Secretary of Defense to exercise some oversight over the Civil Defense Program. And it's from that requirement that we have been presenting joint testimony in front of this committee for the past 3 or 4 years.

Perhaps General Stilwell can address that question.

Mr. **Kramer**. Are you not involved in the review as the letter indicates in paragraph 2?

Mr. **Giuffrida**. Paragraph 2, I have people here, Mr. Maguire, who is working on a regular basis with DOD.

Mr. **Maguire**. The Congress has assigned to the Defense Department oversight of the Civil Defense Program. And annually they provide a report to the Congress that announces DOD's views of the Civil Defense Program and how it is proceeding.

I think in that context they are providing their views to the committee on the Civil Defense Program at this point.

Mr. **Kramer**. OK. What this says to me that there is a current strategic situation—I don't know what that means. Does that mean arms control talks, or does it mean something else, or does it mean pending decisions on MX, or whatever? It talks about SDI, it talks about congressional intent as evidenced by our level of funding. And they say in this letter that these all indicate a need for an extensive, thorough review of national civil defense objectives, policies, and programs. And that the DOD and the National Security Council and your agency are undertaking such a review as a matter of priority to provide a basis for decision about what happens in civil defense for 1987 and beyond.

I guess I am asking what does that mean? What does that say?

Mr. **Giuffrida**. It doesn't mean down necessarily any more than it necessarily means up, I would suggest.

I don't know what the current strategic situation is as addressed in the letter, either.

Mr. **Maguire**. We have not yet begun this review.

Mr. **Kramer**. Yes, but what this suggests to me is that there is a need for considering a very thorough change in our approach to civil defense, otherwise, it wouldn't be a high priority review. If things were copacetic, so to speak, then that gradual funding profiles over the last few years was the way that the administration felt we should continue to approach this problem.

I do not think paragraph 2 would be in the letter. So I guess what I am asking, from FEMA's point of view, what does paragraph 2 mean?

Mr. **Maguire**. I read nothing into that other than the fact that we are in the process of setting up a review for the U.S. Civil Defense Program to define, overall, the outyear program, and what that means in terms of actual budget dollars that are needed, the program that should be put together for this Nation.

Mr. **Kramer**. It can't mean a continuation of the funding profile as we have known it here, because you have got a request in front of us that makes a drastic cut. I assume that's what it means. I don't know.

I guess you are not able to enlighten us at all about this?

Mr. **Maguire**. We have just seen the letter now, Mr. Kramer.

Mr. **Kramer**. Then you are not aware of the review that is going on as a matter of high priority?

Tell us what direction you suggest we go from civil defense in 1987 and beyond.

Mr. **Maguire**. The review has not started. It is to be jointly conducted by FEMA, the National Security Council, and the Department of Defense to define what a reasonable U.S. Civil Defense Program is.

Mr. **Kramer**. I mean, this is not a review that is done every year, is it?

Mr. **Maguire**. It is not.

Mr. **Kramer**. OK. So, basically, what this means is that that there is a good likelihood that some significant changes in the approach to civil defense will be suggested in 1987?

Mr. **Maguire**. It may or may not be suggested, sir.

Mr. **Kramer**. I have no further questions. Thank you, Mr. Chairman.

Mr. **Dellums**. The time of the gentleman has expired. The Chair will now recognize Mr. Hartnett for such time as the gentleman may consume.

Mr. **Hartnett**. Thank you, Mr. Chairman.

Mr. Giuffrida, I welcome you here this morning. I apologize to you for being somewhat tardy in my arriving but I had to make a significant choice in whether it was more important to cast an affirmative vote approving the recording of the minutes of yesterday's proceedings on the floor of the House of Representatives or whether it was more important to come here and hear your initial presentation. I opted for the former—wish now I had for the latter. But say to you because of my being late, that I have not heard your planned remarks and that perhaps because of that my questions and remarks might not be completely relative to what you have said here prior to my arriving.

I am somewhat disappointed, Mr. Giuffrida. Probably every member of this committee and every taxpayer in the United States would joyfully applaud any Federal agency who, by its own efforts, reduced its budget by about one-third. Perhaps if you can do that, others might take a lesson from you. But this is one Congressman who is somewhat disappointed in your requested budget that you have mentioned to us here this morning.

I remember last year, when somewhat of an assault was made on the budget for the Federal Emergency Management Agency, that you and I argued eloquently, and somewhat successfully, in opposition to those efforts. I think I took the position at that time, and still have the position, that the office which you occupy should have Cabinet level. That if we are concerned about the housing of our people, about the health and human services, about their education and other things, then most assuredly we ought to be equally concerned about their defense, their survival in the event of a national emergency, or a natural disaster or emergency. But apparently that view is not shared by many of my colleagues nor by the present administration .

I wonder, Mr. Director, if you honestly feel that you can do what you have been charged with doing, or whether or not you appear to be a Federal agency on the verge of throwing in the towel. Again, I would probably applaud many Federal agencies throwing in the towel and all requesting a third cut in their budget, but yours is not one that I would applaud.

I feel very strongly, Mr. Giuffrida, that we are not doing enough. Your concern about natural disasters and assisting State and local agencies doesn't concern me nearly as much as the survival of our populous in the event of some type of attack—be it nuclear or conventional—from without our shores.

I have seen time and time again, as have you, throughout the history of this country, the goodwill, the kindness, the ingenuity of the American people, as they have gone to the assistance of their neighbors, their friends, and their families, in the events of floods, and earthquakes, and fires, and other disasters that have plagued our land, as others in this world. And seen that with little direction, perhaps, or with a little advice, without any Federal funds, the American people through, again, the goodness of their heart and love of their neighbor, have pulled themselves and their local communities through.

So, your assistance, or the assistance of your office, in that area, again, considering that the National Guard comes under the direction of the Governors of the various States—and if forces were needed to assist people, if manpower was needed—I assume that even you would look to the Governor to pull out the National Guard or some other agency that could assist the people.

So my primary concern with your office now, as has been, is certainly in the area of helping in the event of other types of disasters besides war. But I am terribly concerned that Congress doesn't put enough emphasis on protecting the lives of our people, not only our leaders, but our general populous. And apparently by the submission of this budget request this morning, that neither does your agency now, Mr. Giuffrida. I heard your argument just a few minutes ago about what you think civil defense ought to be. I probably share that, but I am terribly chagrined, very disappointed, that 12 calendar months ago, you and I argued—as I said, successfully and eloquently—for the retention of your then requested budget. And now you come in with a third less than that.

I wonder if you are doing that as your duty, whether you are doing that as you really see it, Mr. Guiffrida, or whether you think that your agency can adequately provide for this Nation's civil defense and emergency management in the event you are called upon to do so?

Mr. GIUFFRIDA. I will try to answer your questions in inverse order.

Mr. HARTNETT. I don't know what the question was, but if you can answer it, you are better than I am.

FUNCTION OF THE DIRECTOR

Mr. GIUFFRIDA. Let me assure you, Mr. Hartnett, that throwing in the towel is not my method of operating. I am not easily deterred. I obviously must choose my words skillfully.

My function is as the Presidentially appointed Director of the agency, to prepare a budget which I think accurately and reasonably defines those things that we must do as well as those things that we should do if the money is there. And then to take that budget to the White House—and to the best of my ability, and as frequently as I am permitted to do so, to defend the propriety of the numbers in the budget.

But the final decision, as you know, is not on any department or agency head. The final decision is a composite decision that's made in the White House. And then I am both the spokesman and the defender for the budget as is the Secretary of Education or Labor, or whoever it happens to be. If I had the freedom to do so and if I am to be as candid as I have tried to be, I would change some things that I have had to deal with every day, not simply the budget.

But I see my duty now and have tried to carry it out by providing the best possible honest explanation of the numbers that are presented to the Congress for its consideration, and to articulate, as well as my staff and I can precisely, how we intend to spend that money without stepping away from the clearly less than fully desirable impacts that it will have on places like South Carolina or Connecticut, or anyplace else.

Mr. HARTNETT. Mr. Giuffrida, what concerns me is the American people's attitude. I wonder if they knew our lack of civil defense in the event of war or natural disaster, if they knew of the little capability that you have at your disposal, and that the Government has at its disposal. Are we like children who are somewhat satisfied in the knowledge that our parents will take care of us if we wander aimlessly through a dark room or a crowded shopping center not thinking that anything would happen to us because mom and dad are there nearby, and because, you know, there's a police officer outside?

If the American people knew, first of all, what is happening to us on a parity with our potential adversaries; second, in the event there were some type of attack on this country from hostile forces our complete inability—because, Mr. Giuffrida, if your budget was 300 times, a thousand times, what it is in this request, there would be absolutely nothing you could do in time to provide any type of survival capabilities, or defense capabilities, for our civilian populous in the event of a nuclear war. Maybe there's nothing any nation could do, I don't know—and thank God, it hasn't been tried anytime soon.

But do you think that perhaps we need a strong, forceful spokesman, speaking out, not as we did in the 1950's and everybody built a bomb shelter in the backyard of their home—but speaking out on behalf of a more adequate civil defense in the event that there would be some hostilities—and awaken the American people to the fact that we have none. We have no civil defense in the event of a nuclear war, or a conventional war, as far as that goes.

Do you think that because of their contentedness and the fact that they think that Big Brother is always going to take care of them, that they are comfortable in the assumption that you are there, and that your budget and that your people, and that your expertise will provide for them? Or do you think that we need a spokesman really, really speaking out strongly on behalf of an adequate civil defense far more than what you have here in your budget? Or do you think that it is better just to assume in the event of a nuclear or a conventional war we will all be gone, and all be blasted away, or whatever?

What would you do if you were called upon, Dr. Giuffrida, what would you do to adequately take care of the defense, or whatever, of our civilian populous in the event of even a conventional attack on our shores?

RESPONSE IN CASE OF AN ATTACK

Mr. GIUFFRIDA. Well, I will tell you what I won't do, and the chairman and I had a discussion on this—the last thing I would do is lie down and die. That, to me, is a solution I categorically reject, to lie down and die.

I agree with you that if you gave us a 100 times this budget, or even 5 times this budget, we would have a very difficult time spending it effectively. And I agree with you, that money of itself is not the solution. It's money and time and an interested public.

Last year, in preparation for this committee, we had some polls done, and we tried to choose prestigious people like Gallup. And what we got from that—and the numbers are imprecise, but to the best of my recollection, the numbers were that some 76 or 78 percent of the American population wants a viable, true, all-hazard Civil Defense Program.

We haven't got it now, you are absolutely right. We don't have a war-related Civil Defense Program other than that which we are trying to build through the process, which I have described in the testimony, of training State and local people to the best of our ability of dealing with those things that come on a more frequent basis, like the hurricanes, the tornadoes, and the floods. We don't have food stores that we would pass out.

The Civil Defense, the war-related Civil Defense Program that you described, with the shelters, with the foodstocks, and the morphine, and the rest of that is nonexistent. We do still have an active shelter survey program, but we are looking at all-hazard shelter. We have identified some that would be adequate fallout shelters. We have identified none that would be adequate for shelter.

Mr. HARTNETT. Even the silos aren't that, so I wouldn't worry about that.

Mr. GIUFFRIDA. Pardon?

Mr. HARTNETT. Our silos aren't even capable of doing that, so don't worry about that.

Mr. GIUFFRIDA. Again, I come back to a dialogue that I had with the chairman last year and the year before—but anything in the face of that inadequate situation, I would reject any suggestion that we simply stop trying to do something that would enhance the chances of survival of even one person. And I think, given what we have to deal with, that we have in place a better chance now. In some of the States, for example, we have staff and operating centers that exceed anything we have at the Federal level. And I name Tennessee, for example. I know Lacy Suiter is one of your witnesses. But we have other States. We have some States that are not anywhere near that condition.

We have Federal agencies that are well prepared; we have some that are not. There is nothing uniform about it. And in my professional judgment, the most serious deficiency in this lack of uniformity stems from our lack of a common vocabulary, which is a term that I used with you in previous discussions. We are trying to have at it.

We, meaning FEMA, who have this awesome spread cf responsibilities, do not perceive ourselves as backing off one inch from trying to fulfill a requirement with the assets that are made available to us. We haven't thrown the towel on anything.

I know that doesn't satisfy your concern, but I can't give you a more complete or a more honest answer than that. We are doing the best we can with what's given to us to use.

Mr. HARTNETT. Before I yield to my colleague and then I am finished, Mr. Giuffrida.

I just might add that the only thing that surprises me more than your coming in with this reduction in the budget, the only thing that surprises me more than that, is that I would be arguing for a Federal agency to spend more money—that's the only thing.

Mr. GIUFFRIDA. Please don't give up on that.

[Laughter.]

Mr. HARTNETT. I yield to my colleague.

Mr. MARTIN. Just one question. I thank the gentleman from South Carolina for yielding.

In looking over the figures, we are talking about from fiscal year 1985 compared to your request of 1986 reduction round number of $68 million. And I see about a sixth of that is coming from a function that relates to State and local direction control and warning. And 49 percent of that reduction relates to emergency operating centers which goes from $9.2 million to zip point zero.

Now, what is going to be the practical impact in 1 year reducing that function, and can you explain where on the ground Mr. Hartnett and Mr. Dellums and Mr. Kramer and I are going to be hearing from that? Is this something that is just going to be shifted back to the responsibility of the State or leave it up to their choice as to run the various centers?

RESPONSIBILITY OF STATES

Mr. GIUFFRIDA. I will ask Dr. Speck, if I could, to give you a detailed answer, Congressman.

Mr. SPECK. Yes, we provide assistance on a matching base. Up to this point, it has been a 50-50 match for certain elements in the EOC's, the emergency operating centers. And along with what I suggested earlier, that in setting priorities of people over bricks, as it were, the Federal match on that would be deferred.

Mr. MARTIN. You mean eliminated?

Mr. SPECK. At this point, certainly for fiscal year 1986, that would be correct.

Mr. MARTIN. So they would either operate with State and local funds or wouldn't operate at all?

Mr. SPECK. These are not operating moneys. The operating moneys would be found elsewhere. For example, your EMA—Emergency Management Assistance—dollars is where you get your dollars for people who might be involved in those operations.

Mr. MARTIN. Once an emergency has happened, rather than on a continuing basis.

Mr. SPECK. We are talking about the center itself, specifically about the building and its hardware. That's what we mean by an emergency operating center, in this context, and that's what those dollars are for there. They are not people dollars in that particular element of the budget.

Mr. MARTIN. Am I correct in understanding that goes to zero, from $9.2 million to zero?

Mr. SPECK. Yes. For construction facilities, that's correct.

Mr. MARTIN. And underneath that you are talking about permanent workyears—a term I haven't used too much. And that maintaining the headquarters personnel at 17 workyears—I'm having difficulty grasping—and the regions to 35 workyears, it stays pretty much the same. And yet, the function for personnel, the cost of personnel, is decreased.

Can you explain to this farmer how that works?

Mr. SPECK. OK. Congressman Martin, a couple of things I think are in order here. First of all, when you are talking about the kind of work that those personnel were doing at the headquarters level and at the regional level, I assure you they weren't going out and, laying bricks. It was essentially providing guidance and technical assistance in the various elements that were then carried out by the States with, obviously, some capital moneys to go along with that.

If you are talking about the EOC's themselves, you are talking about communication systems, warning systems, such as sirens; you are talking about EMP protection; EBS systems, and that sort of thing. You are still going to need that kind of guidance and technical assistance to the States. It would be very critical that that be available. That's what has been done with those headquarters people and dollars in the past.

In addition to that, as we look at the continuity of Government program at the State and local levels and make certain that there is something to connect to our Federal continuity of Government program, those people that remain will be focusing on that as well.

Mr. MARTIN. If I understand this chart correctly—and, again, Mr. Chairman, I will sign off—that the work to be done is, as you pointed out here, both the headquarters and the regions, the work to be done here remains the same. But somehow under your other function of personnel, we are talking about, it looks like, a million dollars, or whatever. I don't know how you are going to do that, unless it puts back again on the backs of the State and local governments.

Is that what we are doing?

Mr. SPECK. In terms of depending on coming up with the hardware dollars, that is what the budget proposes.

Mr. MARTIN. Thank you, Mr. Chairman.

Mr. GIUFFRIDA. Mr. Chairman, I never did finish trying to answer Mr. Hartnett's final segment of that multifaceted question: Do we need a spokesman? In my judgment, the most likely to succeed spokesman is the Congress. Each year that we asked for more, what the Congress gave us was appreciably less than the number we had come in for.

There are constraints on us as heads of agencies that are not applied to you as Members of Congress—and when people have questions, they go to you. We have so much mail that comes from your constituents, which is referred to us, that we have our dedicated zip number, that's 20472—to answer your constituents' mail. We do the best we can but when my sons who are now in a university say, "who do I ask about this", I say John Warner or write to——

Mr. DELLUMS. The time of the gentleman has expired.

Mr. Giuffrida, I promise that we won't try to pound the same ground. The Chair has a number of questions that we have prepared, and I would like to get on with that. But just for a few moments, let me comment to questions that I think my two colleagues, Mr. Kramer and Mr. Hartnett, raised, but with different emphasis in response to them.

First, Mr. Giuffrida, you indicate as a supporting statement for your definition of an integrated approach to the notion of civil defense that the same contacts have to be made with the same communication channels, et cetera, so that it makes sense. And I tend to agree with you, but very different politics. I mentioned to the staff that if Mr. Giuffrida were not saddled with having to plan for the so-called nuclear disaster, this gentleman's budget would fly through the Congress like a hot knife through butter. The problem that the gentleman has is not that the two approaches, manmade disaster; that is, dropping nukes or other kinds of natural disasters, the problem is there are radical different politics. If you didn't have that problem, it seems to me that some of these problems would go away.

The second point is that the definition of what is civil defense does have arms control implications. The United States and the Soviet Union are now in Geneva hopefully beginning their process in earnest. The reason why I say it does have enormous implications for arms control is that one opinion is that each side is mutually vulnerable, there is no adequate defense for either side, which is the rationale for the mutual assured destruction approach.

But then this administration and other people have decided that mutual assured destruction—that is, the recognition that neither side could defend against nuclear attack and that it was a great waste of time—have decided that you can defend American people, and there have been two approaches to defense. One has been to pursue civil defense and hardening of our nuclear silos. Now we have come along as a result of the President's speech with a second approach to defense, ballistic missile defense, or what has been euphemistically entitled "Star Wars."

What this gentleman thinks is embodied in the letter that you folks have questioned is what the Secretary of Defense is really saying in this letter. I think what the Secretary is saying in his letter are twofold: No 1, we are now in Geneva in arms control. The definition of civil defense does have arms control implications because the tactics and the strategy used in arms control is determined in many ways by the definition of what is civil defense. No. 2, I think that this administration is now pursuing the second approach as opposed to the first approach. A few years ago, in the first part of this administration, civil defense, hardening American missile silos was the approach. Now there is a second approach—ballistic missile defense.

This gentleman may be incorrect, but what I think is happening when they say let's begin the process of reconsideration, is ballistic missile defense is going to be this administration's heavy emphasis and that maybe Mr. Giuffrida and his agency may be unsaddled with the burden of having to carry the notion of planning for a nuclear disaster. And so what may happen is that the gentleman's agency may turn out to be the agency for civil disaster, and the politics of his position then significantly enhanced because he is now not running into the public relations of having to come forward with a plan for relocation, et cetera. The gentleman may be all wrong, but I think that that is what is happening, and I think that is the consideration that is taking place. We are not in receipt of this strategy as yet, but I think that that is what is going on. There is the question of what role does this agency play given a $25 billion emphasis and star wars as a whole new approach to defending the American people. I think that is the notion.

So you got two competing forces there, one saying we can't really defend, the recognition that there is no defense; that is one thought. And then you now get this new thought. I think that what is going to go forward is a very powerful and, hopefully, very intelligent debate with respect to those two ideas.

Mr. HARTNETT. I wouldn't argue with the chairman's statement. I don't think that——

Mr. DELLUMS. I am not trying to make a technical argument, just the idea of star wars—again understanding, I don't think that star wars theory is a ballistic missile defense. I think it is—I don't think that the purpose of that is to defend our ballistic missiles. I think that on the opposite side of that is to deter aggressive offensive missiles from—I mean, I think it is to defend the lives of our people so that the mad doctrine, as you talk about, is no longer in effect.

Let's assume the broadest possible analysis, the broadest possible definition of missile defense as well as population defense. You can argue whether that is effective, and that argument is going forward now. The Chair was simply trying to provide an argument, trying to provide some insight into what the Chair thinks is behind this letter, what this letter really means, and what I think may be the implications for Mr. Guiffrida's agency.

Having said that, the Chair would like move quickly, Mr. Guiffrida, to a number of questions with you. First of all, as the Chair understands it, this new figure also incorporates the notion of the 5-percent pay cut; is that correct?

Mr. GIUFFRIDA. Yes, sir.

Mr. DELLUMS. Is that the assumption?

Mr. GIUFFRIDA. Yes, sir.

Mr. DELLUMS. The Chair doesn't know about any of my other colleagues on this committee, but certainly this is something the Chair could not support at this particular time of economic disaster for a number of human beings to be asked—who are carrying out an important public responsibility—to be asked to take a 5-percent pay cut. And this gentleman's point of view may not be the dominant view, but in the event that it is the dominant view, and that is that the Congress rejects a 5-percent pay cut as some way to reduce a $200 billion budget deficit, the Chair would like to ask the gentleman how much money then would be added back to the budget if the Congress rejects the 5-percent pay cut as an integral part of this budget reduction?

Mr. GIUFFRIDA. We are quickly calculating that now, Mr. Chairman.

Mr. DELLUMS. All right. So let's go on to the next question.

Mr. GIUFFRIDA. All right.

Mr. DELLUMS. What percentage of States do you believe will come forward with the matching funds to support their civil defense, civil disaster staffing requirements in fiscal year 1986 to keep them at the fiscal year 1985 level?

EMERGENCY MANAGEMENT ASSISTANCE

Mr. SPECK. Mr. Chairman and members of the committee, at this point, as I indicated earlier, I don't think that it is possible to give a complete answer to that question. In the area of Emergency Management Assistance, in the past we had more requests for dollars than we could match. In that particular area, that would seem to say that those funds are going to be matched and used. Given that kind of interest and willingness to match in the emergency management assistance area in the past, one would hope that we would find that same kind of interest and willingness to match in the areas that have heretofore been 100 percent federally funded, namely RADEF and population protection areas, and in some elements of training and fire.

We will however, have to wait and see. I am certain that you will have other testimony in that regard as well.

Mr. DELLUMS. But we can construe your testimony to mean that, from your perspective, you don't see any dislocation in moving from 100 percent to 50-50? You think all of the States will respond; is that what you are saying?

Mr. SPECK. That would be our desire.

Mr. DELLUMS. No; I am asking what is your thought about——

Mr. GIUFFRIDA. Not expectation.

Mr. DELLUMS. Pardon?

Mr. GIUFFRIDA. Not expectation. That would be desirable, but not the expectation.

Mr. DELLUMS. Then what percentage would you think would be adversely affected, that is, could not respond?

Mr. GIUFFRIDA. Well, I mentioned already that there are some mechanical problems, Mr. Chairman. Some of the State legislatures meet only every 2 years. Straight off, that presents a problem. Their budgets are in the box. But I can't give you the inventory——

Mr. DELLUMS. So what happens to those people? What happens to those States where they might be meeting?

Mr. GIUFFRIDA. When you call them up, that is the position that I think that some of the State representatives are going to try to describe for the committee. But as Dr. Speck has stated in answer to some of your questions, our experience has been that from the

States collectively each year, there have been requests for more matching money from the Fed than we had available. We deduce from that the money that would have been available had there been a match, which would still be available, and that would fill part of the gap.

The answer to your other question, sir, on the 5 percent, for CD is roughly $1.5 million.

Mr. DELLUMS. $1.5 million would be added back.

Mr. GIUFFRIDA. That is correct.

Mr. DELLUMS. I see.

Mr. GIUFFRIDA. For CD only.

Mr. DELLUMS. All right. Mr. Guiffrida, for all of us, and particularly for our newer colleagues on the subcommittee, can you again just briefly walk through for us how the States allocate their Federal civil defense funds to local jurisdictions?

HOW FUNDS ARE ALLOCATED

Mr. SPECK. The money in the emergency management assistance area, which is the bulk of the dollars, is allocated—unless the States can provide us with good reason why it should not be done that way—essentially on a one-third/two-third basis, one-thirds to the State and two-thirds to the local governments. There are instances, however, where States do planning for local governments and might keep a greater percentage of that money at the State level because of things like that.

Mr. GIUFFRIDA. Mr. Chairman, I would like to add for the committee's consideration, that there is no nationwide standard system that States use to interface with local and county jurisdictions as far as emergency civil defense and that kind of thing are concerned. In some States, it is clearly defined, and it functions very well, where the person in charge has access to the principal decisionmaker. In other States, there are legal requirements that the State can impose on local jurisdictions, yet other States, even a contiguous State, may not be able to do. So it isn't a single and fast figure that we are describing.

Mr. SPECK. Mr. Chairman, I think for the information of the committee members, I gave you the emergency management assistance breakdown, which is the main element. When we get into the areas like radiological instrumentation and population protection, that is money that goes to the States. There is not a mandatory redistribution of that to the localities. The States may well be doing things for the localities with those dollars.

Back to the EMA, the emergency management assistant grant is a grant that is transmitted to the States on the basis of a national formula that takes into account a number of things. It is a formula kind of grant to the States and through them to the localities.

Mr. DELLUMS. Thank you. Just one point. Those funds that are reallocated from the States to the local governments, your testimony is that roughly one-third is generally kept by the State and two-thirds goes out to the local, but where the States do some of the planning for the local community, they may very well keep a larger percentage than one-third?

Mr. SPECK. Yes.

Mr. **Dellums**. Then that answers the next question I have.

Can you explain the rationale and the impact for phasing out category D paid reservists and utilizing category H nonpaid reservists for FEMA civil defense work?

USE OF RESERVISTS IN CIVIL DEFENSE

Mr. **Speck**. Those categories, for all members of the committee, have to do with your IMA dollars.

Mr. **Dellums**. Can you explain the euphemism you just used?

Mr. **Speck**. Those are your individual mobilization augmentees, which are reservists in the military that would come on board for essentially 2 weeks and some additional time to assist at all levels: the local level, the State level, and some in the regional headquarters. Their placement depended on the kinds of particular talent they had and the kind of planning they did. It was a way to augment your full-time planning resources at your local, State, and regional levels.

The decision was made to do two things. First, to try to keep as many dollars in State and local emergency management, the emergency management assistance category; and second, if we had a choice between reducing that some more and keeping the IMA, or trying to keep the EMA as high as possible and reduce the IMA, it seemed to be a better bargain for State and local governments to emphasize the EMA and reduce the IMA. In doing that, we will be able to spread those EMA dollars further in buying people, as it were, to do the work. I can get into the details of why that is the case.

Why go from the category D to the category H? In the category H, you don't have the military pay involved. In essence, they are working for retirement points. That is why we would hope in phasing down the category D that we would be able to phase in more of the category H, in short, to allow us to get that talent without the financial cost involved.

Mr. **Giuffrida**. Mr. Chairman, the total 5 percent cut for the full agency is a little better than $4 million, of which $1.5 million is for CD.

Mr. **Dellums**. Thank you. Mr. Giuffrida, in response to one of our colleague's questions, one of your associates indicated that four regional offices would be closed down and consolidated. Can you, A, identify the locations of those four? If you can't, then I would appreciate it if, at the point where the decision is made, you submit it for the record. And B, what impact will the consolidation that results in the four regional offices scheduled to be closed have on the local activity?

Mr. **Giuffrida**. We will provide that for you, Mr. Chairman.

Mr. **Dellums**. Can you answer the latter part of the question? What impact upon the local activity will that have?

Mr. **Giuffrida**. I don't think it will have any impact at all on the operations part of it if it functions correctly, and we think it would if it was implemented.

Mr. **Dellums**. Were State legislatures given any notice as to this slight change in the program? Can you explain the purpose of a 2-year transition period?

COORDINATION WITH STATE LEGISLATURES

Mr. **Giuffrida**. I will answer one part, as far as the State legislatures, you can pick up on the other part of it.

We have in FEMA headquarters staff specifically designated to deal with the National Governors Association, with the National Association of County Officials, with the National Association of Black County Officials, people of this sort. We have no secrets from them. We seek input with the National Emergency Management Association, with the National Coordinating Council on Emergency Management, who are also on your witness list.

Our experience is that they know things faster than we do sometimes. For example, I went to the first budget briefing that the President had and the Cabinet and two or three independent agencies were there, and the President said this information is embargoed until we make the proper notification and deliveries to the Hill, and so on. Somebody asked him how long the embargo would last, and he said that he hoped it lasted until he got back to his office. He just about made it that far, because NEMA and the other groups had our spread sheets and they were in great shape. I don't think there is a concern, Mr. Chairman, that the State and the local people don't know what the figures are.

Mr. **Speck**. Mr. Chairman, as the Director indicated, we have been requested to explain the budget with the various groups, and there have been meetings taking place with all of the various groups he mentioned, the National Governors Association, the National Association of Counties, the National Emergency Management Association which represents your State level Emergency managers and the National Coordinating Council on Emergency Management which represents your local emergency managers. There have been discussions with all of these elements.

In terms of the other part of your question, which I understand to be related to the 2-year phase in—what was proposed is to give States the option of 100 percent funding for their people in the areas of population protection and radiological instrumentation for those planners, which would obviously result in fewer people, or a 50/50 match for the same number of people, or perhaps a 75/25, or somewhere between the two. The reason for that was to give the States flexibility, depending upon what the particular situation was in a particular State with respect to its budget, regarding their own FTE situation in terms of how many people they had provision for in those various areas. It was precisely written in this way to give flexibility to the States in the transition period.

Mr. **Dellums**. Thank you very much.

Mr. Giuffrida, there are a number of other questions. That the Chair wishes to ask, many of them we will submit and ask you to respond to them.

Mr. **Giuffrida**. We would be very pleased to handle it that way.

[The following questions were submitted to the witness to be answered for the record:]

Question #1: You mention in your statement that in reducing the civil defense program for fiscal year 1986, every effort was made to retain experienced personnel at the federal, state and local levels. You cite a 12 percent reduction in federal funding for state and local emergency management staffs and a 15 percent reduction of the federal effort in terms of work years. But how much more of a reduction in trained personnel do you anticipate by reducing by 50 percent the federal funding support for Radiological Protection and Population Protection at the state and local levels?

Answer: In both Population Protection (Planners and Facility Surveyors) and Radiological Protection (Radiological Protection Officers and Instrument Maintenance and Calibration Shop Technicians) one survey indicates the reduction could be 50 percent. This represents over 100 positions in Radiological Protection and about 175 positions in Population Protection. We can anticipate this is not evenly distributed among all states. Some may be unable to continue a program because of state restrictions in the absence of 100 percent Federal funds. Precise data by state is not available. In the Instrument Maintenance and Calibration program element it is predictable that FEMA cannot maintain its national standard for a 4-year maintenance cycle nor its minimum standard for two technicians per state shop. Similarly, performance under Facility Surveys, Population Protection Planning, and Radiological Protection Planning may be reduced by states in proportion to their personnel losses.

2. What percentage of the States do you believe will come forward with matching funds to support their Civil Defense staffing at the Fiscal Year 1985 level?

No State anticipates being able to maintain staff at the Fiscal Year 1985 level given cuts in the 1986 Federal budget. Information gathered by FEMA Regional Offices on the probable impact of the planned budget reductions indicates that States may not have the capability to cover or recoup losses in Fiscal Year 1986. In many instances, State budget cycles are such that it would be difficult to obtain the additional funding in time to retain staff.

State responses to a question about the probable State action, given a shift from 100 percent federal funding in Fiscal Year 1985 to a 50-50 match in Fiscal Year 1986, indicated that 92-95 percent of the States could be forced to layoff staff, reassign personnel and/or reduce or eliminate the program across all affected programs. Four States indicated that they might be able to locate other State funds to defray staff costs in some of the position categories (i.e., Population Protection Planners, Radiological Defense Officers, Radiological M&C Personnel, or Shelter Survey Personnel).

3. You mention there will be a significant reduction in resident training at the Emergency Management Institute at Emmitsburg, Maryland, because this budget eliminates stipends for student travel to the institute. Is NETC now oversubscribed by applicants and if so, what is the lowest number of resident students in each class to make it cost-effective to operate NETC? Given this policy change will NETC have enough students for it to operate at either Emmitsburg or the new Western Campus in Nevada?

Answer: The proposed FY 1986 budget reductions will decrease the number of students attending the Emergency Management Institute (EMI) because both resident program course funds and student stipend funds have been reduced. In total, the Civil Defense budget for training has been reduced by $6.132 million. It is probable that some State, local, government, and volunteer attendees will attend without stipend (travel) assistance, however, in reduced numbers. The full impact cannot be measured; however, initial responses by State and local emergency managers, when polled, indicate they do not have travel funds to replace the EMI student stipends. In addition, resident program funds for associate faculty, course revisions and development, and institutional support for facility maintenance have been dramatically reduced. This combination of funding restrictions could reduce resident attendance.

Given the responses by elected and appointed officials, State and local emergency managers and the volunteer sector, it is possible that student attendance could decrease. The impact on EMI is most difficult to project because of the interdisciplinary curriculum and the need for emergency manager attendees from all sectors of public and private life.

The NETC-West facility has not been opened as of this date and the full impact of the new policy on stipends on that facility is unknown at this time. However, while there will be some near-term costs to establish the Western Campus, it will play a very important role in future FEMA training operations should the travel stipends be eliminated. This is due to the fact that a western site will reduce travel costs for students in States in that region where, in the alternative, travel costs for students from the west to the Emmitsburg facility in Maryland might well prove prohibitive.

4. How do the states allocate federal civil defense funds to the local jurisdictions?

For the Emergency Management Assistance (EMA) Program, formal FEMA guidance specifies that the suballocation by States to local governments should be approximately two-thirds of the States' EMA allocations.

For other federal civil defense funds, the amounts allocated to local jurisdictions are based on justified needs and requests from the States and localities.

5. Is it possible for a state to retain a larger share? If so, please explain under what conditions.

For the EMA Program, if a State's suballocation to local jurisdictions should total less than two-thirds, justification for the percentage of EMA to be retained at the State level must be submitted to the FEMA Regional Director for approval or disapproval.

6. Explain the rationale and impact of phasing out Category "D" paid reservists, and utilizing Category "H" non pay reservists, for FEMA civil defense work.

The objective of the Individual Mobilization Augmentees (IMA's) Program is to supplement civilian emergency management staffs at the Federal, State, and local government level. Category "D" military reservists are paid for their annual training tours of duty as they perform tasks relevant to FEMA's mission and to national defense. Category "H" military reservists receive retirement points only for performing their tours of duty.

Due to the reduced Federal resources available to support a paid program, which is providing supplementary staff resources to civilian authorities, it is necessary to make economies that will allow us to continue to meet our responsibilities while reducing costs. The phase in of Category "H" military reservists over a three year period will allow us to achieve this objective and reduce the impact of this program redirection on civilian authorities and the paid military reservists presently on board.

During Fiscal Year 1985 and in consultation with DOD we will begin a process designed to identify more appropriate mission assignments for the IMA's utilized at Federal, State and local government levels. By Fiscal Year 1988 no program funds will be requested and a targeted strength of 500 IMA's will be assigned duties appropriate to improving continuity of government in national security emergencies and or large scale disasters.

7. Question

Please identify the locations of the four regional FEMA offices that are scheduled to be closed and explain what impact this action will have on the civil defense program.

Answer

At this point, our plan to consolidate regional activities from existing locations will be to maximize co-location of regional offices and thus achieve efficiencies associated with consolidated administrative support; however, no final decisions have been made at this time. Program managers at FEMA are in the process of reviewing alternative configurations to determine which structure would best serve the Agency in the delivery of all its programs in the field, including civil defense.

8. Were state legislatures given advance notice of this change in the federal civil defense program? Explain the purpose of the two year transition period.

Federal agencies and departments are prohibited from sharing the President's proposed budget with anyone or any organization outside the Federal Executive Branch before the President's formal submission to the Congress. The Fiscal Year 1986 Budget was submitted to the Congress on February 4, 1985. On February 5, 1985, FEMA notified the National Conference of State Legislatures of the proposed changes.

An analysis of deadlines for budget submissions for fifty-one State jurisdictions for Fiscal Year 1986 shows that forty-three States have deadlines for fund requests prior to February 4, 1985. Eight States have budget submission deadlines after February 4, 1985.

Because of FEMA's cognizance of the need for more advance notice to the States, on budget changes involving matching funds, a two year transition period for implementing the fifty percent matching fund requirement for the five programs targeted for reduction from 100% funding has been requested. These programs are Population Protection Planning, Facilities Surveys, Radiological Planning and Development, Radiological Instrument Maintenance and Calibration, and the Emergency Management Training programs.

The two year transition period recognizes the biennial nature of some State legislatures and would allow the Director of FEMA to waive the matching fund requirement for these five programs during Fiscal Years 1986 and 1987.

9.) No funds are included in the fiscal year 1986 request for Protection of Industrial Capability. Also, funds for Research have been sharply curtailed. Please explain and state what impact this will have on the civil defense program.

The zero funding of the Protection Industrial Capability (PIC) Program in fiscal year 1986 curtails the development of a national capability to ensure continued population support and defense industrial base production during a period of intense international crisis (mainly the threat of nuclear war). The major cost element of that program would have been keyworker blast shelters. Also curtailed are: (1) the development of a site-specific list of essential industries requiring specific equipment protection measures for the full spectrum of emergencies and blast sheltering for their keyworkers in the event of a national security emergency; (2) the development and testing of more equipment protection measures specific to the various types of emergencies; (3) the design of a new generation of keyworker blast shelters utilizing results of cost-reducing studies and prior testing and the testing of these new designs for criteria compliance; (4) the development, publication, and distribution to industry/business of advanced industrial emergency preparedness planning guidance; and (5) the development of a training course and field testing of previously developed industrial protection training delivery systems.

The zero funding of the PIC Program will not terminate assistance and promotion of voluntary industry emergency planning to include: emergencies for which preparations are in the interest of corporations; physical security threats; continuation of essential population support during a period of crisis and facilitating the rapid recovery of essential population support industries.

In the short run the greatest impact on the civil defense program from sharply curtailing research is to reduce what we can do to pull together and apply the results of research already completed to improve the capabilities of the emergency management system. That will remain an important part of our efforts.

The civil defense research program includes the civil defense policy and planning element. This provides primarily for in-house effort in areas such as development of civil defense materials required by the Congress, the National Security Council, and the Department of Defense as well as other policy-related activities. This will continue in fiscal year 1986 essentially unchanged. The policy and planning element also provides for some contract projects in such areas as assessing alternatives for meeting national security food requirements, alternative programs for long-term development of shelter, and plans for enhancing civil defense capabilities during a period of markedly increased international tension. It is anticipated that similar policy-related projects will be conducted in 1986.

In the longer run the research reduction will delay understanding of and our ability to respond to changes in American attitudes, economy, society, technology and pragmatic realities. Strategies to continue the integration of civil defense into the Integrated Emergency Management System will remain undeveloped. We will have to defer analysis of such possible changes and of how civil defense policy and programs are to be modified to best protect the American people.

We have during the past four years increased our emphasis on research applications, to achieve short term enhancements in civil defense capabilities. We will make every effort to continue the momentum of these research applications and hope we can resume a respectable research effort in the near future.

Question 10: The largest part of the fiscal year 1986 budget, $15.9 million, is dedicated to Telecommunications and Warning. Will you explain what impact this will have on the replacement of the obsolete landline system used for the National Warning System for which Congress has appropriated funds in 1984 and 1985.

Answer: The Congress authorized, beginning in FY 85, a phased upgrade of the existing National Warning terrestrial system into a more survivable infrastructure using the techniques of Low Frequency (LF) broadcast and Meteor Burst (MB) communications.

Procurement actions have been initiated to obtain the necessary LF equipment to complete the initial phase which covers the Northeast sector and includes FEMA National, Regions and 16 remote relays. The second phase, originally planned to begin in FY 86, would expand LF into the midwestern United States.

The MB alternate warning system will comprise master stations at FEMA National, Regions, a remote relay, transceivers at each State EOC and receivers at selected local warning points. Phase one has begun with the development of the State transceivers. Phase two will begin the acquisition of the system.

o FY 85 phase one - LF - $4,861,000
MB - $500,000

- Initiate LF acquisition of the transportable radio systems
- Develop State Meteor Burst transceivers

It will require approximately $24,000,000 for LF system expansion into the midwestern United States, and $6,000,000 for the initial MB system acquisition. Upon completion of this phase, the NAWAS will require annually an estimated $47,500,000 for continued expansion of the system and provide for initial spares, site preparation, recurring spares and operation and maintenance until completion in FY 90.

This initiative is a much needed effort to consolidate and update these systems into one efficient, cohesive and survivable architecture. LF and MB technology will provide resource distribution, redundancy, mobility, responsive system control, dispersion, reconstitution and electromagnetic pulse protection.

Delay in the acquisition of these upgraded communications sytems will not only prolong, but will increase, the vulnerability of the NAWAS. Increased vulnerability caused by antiquated systems design and service will reduce the capability of giving adequate warning to the general populace in the event of a natural or nuclear disaster or emergency.

Question 11: Explain Meteor burst transmission and describe how it would work in a disturbed atmosphere such as after a nuclear blast.

Answer: When meteors enter the earth's atmosphere they provide an ionized trail as they "burn up". Millions of meteors enter the earth's atmosphere daily, numbers varying by season and time of day. The duration of the ionized trail depends on the size of the meteor and the angle of incidence with the earth's atmosphere.

Meteor burst communications reflects radio signals off of the meteor's trail between two terrestrial points. The "footprint" of the reflected signal on the earth is an elipse about 10x30 miles. The footprint moves about (the location of the footprint is determined by the location of the meteor) the location of the transmitter and reflection angle.

Meteor communications is bursty because the ionized trails are usable only for a short period of time, typically 0.2 seconds; however they can support high data rate transmission during this time. Typically, usable ionized trails between two points occur at a 5 per cent duty cycle. The end result is an average 100 word per minute message circuit capability.

There are two schools of thought regarding the usefulness of meteor burst communications in a nuclear disturbed atmosphere. One thought predicts a "bomb mode" enhancement of communication resulting from a nuclear induced ionization layer. The second school of thought predicts a degradation of service caused by signal absorption of nuclear debris.

Meteor burst is one of many communications and warning transmission media used by the FEMA. All have differing characteristics and are affected differently by nuclear effects. This multi-media approach provides the best chance of assuring minimum essential communications during an emergency.

12. Has FEMA learned any lessons from the Union Carbide tragedy in India?

This tragedy points up the urgency for evaluating and developing a preparedness capability and the need to assess the effectiveness of that desired level of preparedness. This preparedness should be evaluated through regular tests and exercise procedures. Certainly this accident points up the critical need for close coordination between industry and local officials in the development of preparedness capability to respond to hazardous materials incidents. This coordination must be established early and be a continuing process.

The tragedy in Bhopal also points to the need for following through with the recommendations of the Intra-agency Task Force on Hazardous Materials established by the Director. The task force recommended that FEMA establish a hazardous materials program. FEMA also realizes the necessity of coordinating all Federal hazardous materials emergency response functions with all other responsible agencies through the National Response Team (NRT).

13. Has FEMA revised any of its procedures as a result of the information gained from the Union Carbide incident?

FEMA is in the process of reviewing emergency response procedures in the Kanawha Valley of West Virginia. The FEMA office in Philadelphia, through the Regional Response Team, has completed review of several emergency response plans of the State and local government and of the chemical companies in the valley. The Regional Response Team has made several recommendations to the originators of the plans for solidifying the basic emergency response procedures in the plans. It should be noted here that the State is a member of the Regional Response Team.

FEMA and the Environmental Protection Agency will be working with the West Virginia Department of Natural Resources and the Office of Emergency Services in developing improved implementation procedures for the emergency response plans in the Kanawha Valley. The information developed in the post-Bhopal investigations is scheduled to be incorporated into the recommendations for the Kanawha Valley. This concept of having the Regional Response Team take a leadership role in reviewing emergency response plans within a region and developing recommendations for improving the plans is a new approach and is being proposed for other regions. FEMA has begun meeting with the regional offices for this and other related purposes.

Also, as the Chair of the Preparedness Committee of the National Response Team, FEMA has provided leadership in directing committee studies toward defining Federal agency roles and responsibilities and evaluating State, local, and Federal government training and planning programs. In addition to the foregoing activities, the agency has dedicated an additional staff position on the Hazardous Materials program. The Hazardous Materials staff, among many other things, works with the National Response Team and the Regional Response Team in coordinating Federal agency efforts in hazardous materials.

14. How would FEMA handle an incident of that magnitude?

FEMA would most likely respond to an incident of the magnitude of the Bhopol accident under the National Contingency Plan, established by Section 311 of the Clean Water Act, as amended, and Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, which established procedures and standards for responding to such releases.

Under this plan, the Environmental Protection Agency is the Chair of the National Response Team and would take the initial steps necessary to activate the Team. The National Response Team would be activated when a release exceeds the response capability of the Region in which it occurs, transects Regional boundaries, involves significant population threat, substantial amounts of property, substantial threats to natural resources, or is requested by an NRT member. FEMA is responsible for providing advice and assistance to the On-Scene Coordinator who is an EPA or Coast Guard official. Another way in which FEMA could become involved would be through the Disaster Relief Act of 1974, as amended. If the situation was beyond the capabilities of the State and local governments to adequately respond, the Governor could request the declaration of a major disaster under this Act. If the President made such a declaration, FEMA would coordinate all disaster or emergency actions with the RRT.

15. Is the $29.807 million requested for salaries in support of personnel at the national levels only? If not, where are the personnel located?

The $29.807 funds 567 full-time equivalents on the Federal level; of this number, 367 full-time equivalents are assigned to regional offices to provide technical support to State and local officials in carrying out the Civil Defense programs.

16. Please provide the subcommittee with a listing of all States and and how much each received from the Civil Defense program in Fiscal Year 1985.

Attached as a list of the amount of the Fiscal Year 1985 Civil Defense monies allocated to each State as of March 14, 1985. Civil Defense programs providing funding to States include:

- Emergency Management Assistance
- Radiological Protection Planning
- Population Protection
- Facility Survey
- Emergency Operating Centers
- Maintenance and Services
- Warning and Communication; and
- Emergency Management Training

REGION I	CIVIL DEFENSE
CONNECTICUT	$1,282,104
MAINE	$901,006
MASSACHUSETTS	$1,819,927
NEW HAMPSHIRE	$842,744
RHODE ISLAND	$711,070
VERMONT	$825,281
TOTAL............	$6,382,132
REGION II	
NEW JERSEY	$2,147,749
NEW YORK	$5,421,635
PUERTO RICO	$1,650,167
VIRGIN ISLANDS	$140,549
TOTAL............	$9,360,100
REGION III	
DELAWARE	$631,712
DIST OF COLUMBIA	$557,878
MARYLAND	$1,425,893
PENNSYLVANIA	$3,110,426
VIRGINIA	$1,980,365
WEST VIRGINIA	$1,179,369
TOTAL............	$8,885,643
REGION IV	
ALABAMA	$1,626,826
FLORIDA	$2,790,999
GEORGIA	$2,159,242
KENTUCKY	$1,289,996
MISSISSIPPI	$1,280,593
NORTH CAROLINA	$1,956,827
SOUTH CAROLINA	$1,798,798
TENNESSEE	$1,488,789
CANAL ZONE	$0
TOTAL............	$14,348,670
REGION V	
ILLINOIS	$2,805,406
INDIANA	$1,923,696
MICHIGAN	$2,721,883
MINNESOTA	$2,470,825
OHIO	$2,953,995
WISCONSIN	$2,268,669
TOTAL............	$15,144,474
REGION VI	
ARKANSAS	$1,328,574
LOUISIANA	$1,576,421
NEW MEXICO	$687,352
OKLAHOMA	$1,283,641
TEXAS	$3,598,979
TOTAL............	$8,474,967
REGION VII	
IOWA	$1,332,116
KANSAS	$1,369,228
MISSOURI	$2,124,673
NEBRASKA	$1,122,956
TOTAL............	$5,948,973

REGION VIII	
COLORADO	$1,583,777
MONTANA	$920,121
NORTH DAKOTA	$965,912
SOUTH DAKOTA	$854,858
UTAH	$933,589
WYOMING	$905,772
TOTAL...........	$6,133,999

REGION IX	
ARIZONA	$1,432,612
CALIFORNIA	$6,467,875
HAWAII	$881,652
NEVADA	$659,233
AMERICAN SAMOA	$138,985
GUAM	$161,909
N. MARIANA ISLAN	$38,669
TRUST TERRITORY	$0
TOTAL...........	$9,780,908

REGION X	
ALASKA	$1,043,780
IDAHO	$989,388
OREGON	$1,267,082
WASHINGTON	$1,703,924
TOTAL...........	$5,004,041

REGIONS TOTALED. $88,903,904

17. Do the states receive funding from other parts of the FEMA budget? If so, identify which program and the type of funding provided.

Yes.

Under Comprehensive Emergency Preparedness Planning federal financial assistance is provided to the States for the following programs:

Disaster Preparedness Improvement Grants. This is a 50-50 matching program. The maximum funding is $25,000 per State or jurisdiction. This program provides for maintenance and improvement of natural disaster mitigation, preparedness, response and recovery plans.

Earthquake Preparedness. This is a 100% federal assistance funding program. This program provides for the development of a comprehensive framework for vulnerability analysis, preparedness, mitigation and response planning, development of improved seismic building practices and standards, and leadership of National Earthquake Hazard Reduction Program.

Hurricane Preparedness. This is a 100% federal assistance funding program. This program provides technical and financial assistance for the development of population preparedness and property protection in 23 high-risk areas during Fiscal Year 1985.

Under Flood Plain Management federal financial assistance is provided to the States for State Assistance Program. This is a 75% - 25% matching program. This program provides funds to improve the capability of State governments to assist communities in implementing sound flood plain management. This activity will be included in the Flood Hazard Reduction program in Fiscal Year 1986.

(A list of states receiving federal financial assistance under these programs is attached herewith.)

REGION I	OTHER BUDGET
CONNECTICUT	$175,760
MAINE	$69,000
MASSACHUSETTS	$173,867
NEW HAMPSHIRE	$67,000
RHODE ISLAND	$66,000
VERMONT	$67,000
TOTAL...........	$618,067

REGION II	
NEW JERSEY	$162,000
NEW YORK	$202,000
PUERTO RICO	$179,000
VIRGIN ISLANDS	$144,832
TOTAL............	$687,832
REGION III	
DELAWARE	$64,000
DIST OF COLUMBIA	$29,000
MARYLAND	$73,976
PENNSYLVANIA	$132,000
VIRGINIA	$83,000
WEST VIRGINIA	$61,626
TOTAL............	$443,602
REGION IV	
ALABAMA	$91,000
FLORIDA	$188,000
GEORGIA	$78,000
KENTUCKY	$112,000
MISSISSIPPI	$119,800
NORTH CAROLINA	$85,000
SOUTH CAROLINA	$74,000
TENNESSEE	$105,300
CANAL ZONE	$0
TOTAL............	$849,100
REGION V	
ILLINOIS	$164,382
INDIANA	$90,603
MICHIGAN	$158,825
MINNESOTA	$81,000
OHIO	$103,853
WISCONSIN	$79,000
TOTAL............	$677,663
REGION VI	
ARKANSAS	$107,281
LOUISIANA	$202,418
NEW MEXICO	$77,000
OKLAHOMA	$75,000
TEXAS	$179,220
TOTAL............	$640,919
REGION VII	
IOWA	$25,000
KANSAS	$25,000
MISSOURI	$187,750
NEBRASKA	$25,000
TOTAL............	$262,750
REGION VIII	
COLORADO	$89,076
MONTANA	$66,000
NORTH DAKOTA	$68,000
SOUTH DAKOTA	$57,952
UTAH	$218,000
WYOMING	$64,000
TOTAL............	$563,028
REGION IX	
ARIZONA	$78,000
CALIFORNIA	$1,121,000
HAWAII	$166,000
NEVADA	$81,000
AMERICAN SAMOA	$28,000
GUAM	$42,000
N. MARIANA ISLAN	$25,000
TRUST TERRITORY	$25,000
TOTAL............	$1,566,000
REGION X	
ALASKA	$113,000
IDAHO	$67,000
OREGON	$75,000
WASHINGTON	$204,000
TOTAL............	$459,000
REGIONS TOTALED.	$6,701,131

Question #18: Has there been a migration from the civil defense program to the federal preparedness program? Is there any overlapping of program elements, such as the direction, control and warning? Please explain.

Answer: The portions of the civil defense program that benefit State and local emergency management will suffer by reduced funding, but not because there is any "migration" to a federal preparedness program. Nationally, all levels of government, Federal, State and local require funding resources to maintain and develop essential emergency management and systems capabilities. All are impacted by the proposed reduction in FY 1986. The program elements under State and Local Direction, Control and Warning and under Telecommunications and Warning do not overlap. However, they are compatible and complementary as required. For example, the Federal segments of the national Emergency Broadcast Systems (EBS) features that serve the

Presidential priority use of the EBS depend upon the State and local EBS plans, the statewide networking of EBS stations and the protection of individual stations in each local operational area. Similar compatibility is obtained through FEMA criteria and priorities relating to financial assistance to State and local Emergency Operating Centers (EOC's) and Warning and Communications Systems which are owned, operated and licensed to State and local governments and to the private sector (e.g., Radio Amateur Civil Emergency Service). The compatibility and complementary requirements are assured by the fact that all national telecommunications policy and planning objectives are the responsibility of a single directorate within FEMA and the criteria and implementation policies of the programs supporting State and Local Direction, Control and Warning system are consistent with the national policy and objectives.

19. Please explain the formula by which FEMA distributes Emergency Management (EMA) funds to the states and local communities. How many jurisdictions participate in the 50-50 match program at present?

The following percentages are applied to the total amount of EMA funds appropriated by Congress:

- Fifty percent based on the prior-year State allocations.
- Thirty-three percent on the basis of the ratio of the State's population to the national population.
- Ten percent on the basis of the State's population in EMA participant jurisdictions as a percentage of the total population.
- Five percent is divided equally among the 50 states.
- Two percent is used first to fund the territories. The remaining amount constitutes a supplemental fund from which the Director will consider State requests for additional funds based on certain eligibility criteria.

There are approximately 2,800 local jurisdictions participating in the EMA Program in Fiscal Year 1985.

1. Questions:

How is the FY 1986 Telecommunications and Warning (T&W) enhancement budget distributed within FEMA?

Answer:

Telecommunications and Warning
FY 1986 Budget Plan
($000)

Program/Activity	1986 Request
1. National Warning System (NAWAS)	$6,124
- Leased Communication Services	6,124
2. Washington Area Warning System (WAWAS)	$1,085
- Leased Communication Services	50
- Tone Encoded Raio Activation System	40
- Operations and Maintenance	990

3. FEMA National Teletype System (FNATS)	$1,452
- Leased Communication Services	1,452
4. FEMA National Voice System (FNAVS)	$ 497
- Leased Communication Services	497
5. FEMA National Radio System (FNARS)	$1,785
- Leased Communication Services	18
- Operations and Maintenance	482
- High Frequency (HF) Equipment Upgrade	1,285
6. Telecommunications Support Services	$2,592
- Leased Communication Services	1,580
- Headquarters PABX Equipment	750
- Leased Newswire Services	38
- Leased Pager Services	119
- Leased Cellular Telephone Services	30
- Miscellaneous Circuits, Monitors and Equipment	75
7. Civil Preparedness Support Detachments (CPSD)	$ 880
- US Army Reserve Civil Preparedness Support Detachments	880
8. Decision Information Distribution System (DIDS)	$ 660
- Leased Communication Services	660
9. DoD Reimbursable Support	$ 825
- Logistical, Procurement, and Maintenance Support	825
TOTAL FY 1986	$15,900

2. Question:

What Telecommunication and Warning enhancement will be provided by each of these functions in FY 1986? What was done in FY 1984 and FY 1985?

Answer:

FY 1986 Enhancements:

Enchancements planned for FY 1986 include the completion of the WAWAS Tone Encoded VHF-FM Radio Activation System and the FNARS HF Equipment upgrade in two regions and two states.

FY 1984 and FY 1985 Enchancements:

National Warning System (NAWAS)

- 18 terminals were added to the system in 1984
- Also during 1984, a prototype low profile warning antenna for use in the low frequency system was acquired and field-tested.
- Enhancements planned for 1985 include a phased upgrade of existing terrestrial systems into a more survivable infrastructure using

the techniques of Low Frequency (LF) Broadcast and Meteor Burst (MB) communications, and the installation of additional NAWAS terminals for counterforce areas. This consists of Phase I of the acquisition of the LF transportable radio system and development of State MB transceivers.

Washington Area Warning System (WAWAS):

- Phase I of the acquisition of the Tone Encoded VHF-FM Radio Activation System was begun in 1984 with Phase II being done in 1985.

FEMA National Teletype System (FNATS):

- There were no enhancements to the FNATS during 1984. All of the funds were used for the continued operation and maintenance of the system.
- Phase I of the FNATS modernization and secure operations program with installation of the secure regional mini-computer switches at five regional facilities was begun during 1985.

FEMA National Voice System (FNAVS):

- During 1984 and 1985 funds provided for the continued operation and maintenance of the system.

FEMA National Radio System (FNARS):

- Accomplished during 1984 was an upgrade of radio equipment in two regions and six state locations.
- Also accomplished during 1984 was Phase I of the Communication - electronic test equipment upgrade.
- Additionally, a procurement was initiated for very high frequency (VHF) portable/mobile radios for two FEMA Regions.

Enhancements Planned For 1985 Included:

- o Replacement of fixed plant HF equipment to four FEMA Regions, the Special Facility and the possessions and territories not included in the 1984 upgrade.
- o Replacement of fixed plant, compatible solid-state HF equipment in 14 additional states in four Regions not included in the 1984 upgrade.
- o Procurement of modern, state-of-the-art terminals, modems and ancillary equipment in concert with the fixed HF upgrade, to replace obsolete FNARS teletype machines in all of the Regions, States, Territories, and possessions with equipment that is compatible with the Direction, Control and Warning Communications Systems.
- o Phase II replacement of obsolete communications electronics test equipment started in 1984.
- o Replacement of the HF portable/mobile equipment used for emergency radio communications.
- o Acquisition of VHF portable/mobile units for short range communications to the portable HF stations for relay to either Regional Facilities or FEMA national.

Telecommunications Support Services:

- 1984 enchancements included:
  - o Replacement of antiquated facsimile equipment with a digital, high speed (sub minute, per page) FEMA national facsimile network.

- o Phase I of the Headquarters EPABX installation and upgrading of existing EPABX systems in fours Regions.
- o Installation of DCT 9000 terminal at Headquarters which provides access.

- Enhancements planned for 1985 included:
  - o Continued expansion of switching systems at FEMA Headquarters and acquisition of EPABX switching systems for those six Regions not included in Phase I.
  - o Acquisition of a rotatable directional antenna for HF at FEMA Headquarters.

US Army Civil Preparedness Support Detachments (CPSD):

- o There were no enhancements to the CPSD program during 1984. All of the funds were used for continued operation of the program in eight FEMA Regions.
- o Two additional units planned for 1985 are being held in abeyance pending Congressional approval of realignment of federal regional boundaries.

Decision Information Distribution Systems (DIDS):

- There were no enhancements to the DIDS during 1984. All of the funds were used for the continued operation and maintenance of the program.
- Enhancements planned for 1985 included:
  - . A feasibility study for use of the Federal Regional Center, Olney, Maryland, as a primary control station in the LF communications program.
  - . Providing receivers to key FEMA officials in case of an emergency.
  - . Establish a prototype test-bed of receivers throughout Maryland to examine different code configurations of the system.

DoD Reimbursable Support:

- During 1984 and 1985 funds provided for the continued logistical, procurement, and maintenance support of FEMA activities by DOD agencies.

3. Question

Considering the age, condition, utilization, and maintenance costs of existing T & W equipment, how long will it take to modernize the system at the expenditure rate in your FY 1986?

With the exception of WAWAS and FNARS upgrades previously mentioned, the plannned expenditure rate does not provide for any upgrading of existing T & W equipment. The FY 1986 budget request allows only for slight growth, though that could be minimal in consideration of inflation and the potential for tariff increases.

4. Question:

What is your long-range plan for T&W enhancement?

Answer:

Our long-range plan for T&W enhancement, always contingent upon availability of funds, technological developments and operational requirements, is described below:

National Warning System (NAWAS)

- Modernize the existing 2600 warning point system and develop LF and MB technologies to provide more survivability.

- Integrate and modernize existing Emergency Broadcast System capabilities in conjunction with NAWAS upgrade.

Washington Area Warning System (WAWAS)

- Enhancements to improve reliability and survivability are scheduled for completion in 1986.

FEMA National Teletype System (FNATS)

- Phase II of the system modernization will extend the modern secure message capability to the five remaining regions, the 50 State Emergency Operating Centers, the District of Columbia, Virgin Islands, Puerto Rico, and four Canadian provinces.

FEMA National Voice System (FNAVS)

- Upgrading of the system with secure voice capability to FEMA and State locations is planned for completion in FY 86.

FEMA National Radio System (FNARS)

- Complete the HF modernization effort, started in FY 84 and 85, in four Regions, 26 States and the Territories and possessions.

- Replace obsolete teletype machines in the Regions, States, Territories, and possessions.

- Complete VHF portable/mobile modernization commenced in FY 83.

- Install modern HF all band antennas at FEMA Regions, States, Territories and possessions.

Telecommunications Support Services

- Complete EPABX switching system acquisitions at the Regions.

- Acquire a nationwide digital display paging system.

- Introduce satellite distributed video teleconferencing of the NETC.

- Install secure video teleconferencing systems at FEMA Headquarters to interface with selected FEMA facilities.

- Acquire cellular telephones at the Regions.

U.S. Army Civil Preparedness Support Detachments (CPSD)

- FEMA is currently reviewing mission requirements to determine if the size and/or composition of the units needs to be changed.

Decision Information Distribution System (DIDS)

- No modernization of the system is planned at this time.

DOD Reimbursable Support

- No increase in support is planned at this time.

5. Question:

If the T & W program were held at the FY 1985 level ($34 million), for FY 1986, what would be the impact on other civil defense programs-- specifically the support for state and local agencies?

Answer

Should the T & W FY 86 level be held at $34 million, the impact on other civil defense programs would be $18 million.

Delivery of civil defense monies to State and local governments has already been cut significantly. Additional cuts would be unwise at this time. Thus, no impact of such an additional cut has been determined.

Mr. DELLUMS. But there are a few questions that I would like to ask in session. One of them goes to the incredible tragedy that happened in India, in Bhopal.

Question No. 1 is, has FEMA learned any lessons as a result of the Union Carbide tragedy in India? Have you revised any of your procedures as a result of looking at this situation? Finally, can your agency and, in turn, this country handle an incident of this magnitude?

LESSONS LEARNED FROM BHOPAL TRAGEDY

Mr. GIUFFRIDA. FEMA has had an interest in hazardous materials since its inception. At the National Emergency Training Center, which is represented here now by Mr. LaFleur, we have programs that have been specifically designed, not only in the emergency management institute, but at the national fire academy, to address hazardous materials [Hazmat] incidents. We have membership on and chair of interagency groups that are considering the whole process of how to deal with major hazardous materials incidents. We have a review mechanism that clearly looks not only at Bhopal, but at what happened in West Virginia. We track legislation that is submitted by various Members of Congress to deal with hazardous materials.

It is a problem of potentially mind-boggling dimensions. There are new chemicals and substances being produced almost by the hour. Many of them are innocuous of themselves, but become hazardous if they are accidentally combined with something—with another innocuous substance, like water, for example.

We are completely prepared to deal with this. We do have some experience that we can point to with pride that, while it is not enough to be complacent, it certainly shows us unequivocally that we are in the right direction. And I refer specifically to an incident that happened in Taft, LA, 2 years ago. In Taft, LA, there is a nuclear powerplant and there is also a major chemical plant. At the time that the nuclear powerplant license and the low-power license, et cetera, were being considered, there were many who had a very strong position against NRC licensing the Taft nuclear powerplant. Most of the opposition was centered around the impossibility and the unfeasibility of having an effective evacuation plan. FEMA has to approve such a plan. But they did prepare a plan and we did approve it, and it was properly tested, and so on, and the plant was licensed.

After that, there was an accident—I might say that at the time they were objecting to the evacuation plan on the antinuke stand. The comment was that if it worked at all, it would take somewhere between 8, 9, or 10 hours to evacuate. Sometime after that, there was a accident at the chemical plant. There was no requirement, nor did there exist an evacuation plan, or an emergency plan, specifically designed for the chemical plant. The county officials there implemented the plan that had been approved by us for the nuclear powerplant, and the decision to evacuate was made in a driving rain at something like 2 or 3 o'clock in the morning. It was successfully completed not in 10 hours as had been suggested, but in something under 3 or 4 hours or 2½ hours.

To the extent that we have that kind of planning and we have that same kind of generic emergency planning, which is the keystone of our integrated system, we have been proliferating that capability across the entire United States. To the extent that we have done that, we are better prepared, but by no definition would I say that we or any other industrialized nation is capable on a total national basis to deal with that kind of accident.

Mr. DELLUMS. Thank you.

Mr. SPECK. Mr. Chairman.

Mr. DELLUMS. Yes.

Mr. SPECK. May I speak up on that a little bit?

I think the Director's point about IEMS and being prepared to protect people in place or by movement is critical here. We saw the example of the use of a REP plan for a nuclear powerplant in Louisiana. In Congressman Kramer's own State, we had a similar situation in Denver where there was an accident in a trainyard and they had to evacuate some 8,000 people very quickly. They looked to their generic evacuation plan which allowed them to accomplish that and protect their people.

I would add that we have been involved in developing guidance and transmission of that guidance to the State and local levels in terms of radioactive transportation accidents, and we are now moving to go beyond that to more general guidance in terms of transportation accidents involving hazardous materials. As of January 31, FEMA became the chair of the Preparedness Committee of the National Response Team. The goal of these some 12 agencies is to focus on preparedness at the State and local level and to deal with hazardous material kinds of incidents.

We also, as a result of action taken by the last Congress in October, are working with the Department of Transportation in preparing a report to Congress on training and gaps in that training that is available in the private and public sector to deal with transportation kinds of hazardous material accidents.

In addition to that, we will be, in conjuction with the EPA and some other Federal agencies, as we have been, working specifically with the State and local governments and the Union Carbide Corp. with respect to looking at offsite preparedness contingency plans at Institute, WV, and moving beyond to provide assistance in the Kanawha Valley.

Mr. DELLUMS. Thank you very much.

As the Chair indicated, there are a number of questions, Mr. Giuffrida, that we will submit to you and ask you to respond for the record.

The Chair would like to indicate to our colleagues that it is now about 12:08. The Chair would like to receive the testimony of General Stilwell and get that on the record, and that would expedite the proceedings, and then we could reconvene this afternoon and take the State and local witnesses.

The Chair would like to thank Mr. Giuffrida. Perhaps you could excuse your colleagues and maybe stay while General Stilwell makes his presentation.

Mr. GIUFFRIDA. Thank you, Mr. Chairman.

Mr. DELLUMS. Thank you, gentlemen. I appreciate your responses to our questions.

[The letter of George Jett follows:]

Federal Emergency Management Agency,
Washington, DC.

Hon. Thomas P. O'Neill, Jr.,
Speaker of the House of Representatives,
Washington, DC.

Dear Mr. Speaker: Enclosed is draft legislation "To authorize appropriations for civil defense programs for fiscal years 1986 and 1987, and for other purposes."

In accordance with section 408 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2260), the bill authorizes appropriations of $119,125,000 for civil defense programs for fiscal year 1986, and such sums as may be necessary for fiscal year 1987.

The Office of Management and Budget advises that there is no objection to the submission of this proposal for consideration of the Congress and that its enactment would be in accord with the President's program.

Sincerely,

George Jett,
General Counsel.

Enclosure.

A bill to authorize appropriations for civil defense programs for fiscal years 1986 and 1987, and for other purposes

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated for the fiscal year ending September 30, 1986, to carry out the provisions of the Federal Civil Defense Act of 1950, the sum of $119,125,000, and for the fiscal year ending September 30, 1987, such sums as may be necessary.

Mr. **Dellums**. General, we would like to welcome you before the subcommittee.

STATEMENT OF GEN. RICHARD G. STILWELL, USA, RETIRED, DEPUTY UNDER SECRETARY FOR POLICY, DEPARTMENT OF DEFENSE

General **Stilwell**. Thank you very much, Mr. Chairman. It is good to be back here again for the third year running to appear before you and the other members of this important subcommittee to testify on behalf of the Federal Emergency Management Agency's proposed Civil Defense Program for the upcoming fiscal year 1986.

As in previous years, I can assure you that that program has the Department of Defense's endorsement and support, but the rationale for that support differs today from that of my earlier appearances before this committee.

As you are aware, the Department of Defense, along with the National Security Council, share responsibility for oversight of FEMA's civil defense efforts. My Secretary stated in his annual report to the House Armed Services Committee, which I delivered to you today, sir, along with my prepared testimony, and I quote:

> The current strategic situation, the Strategic Defense Initiative, and the intent of the Congress as evidenced by appropriations for civil defense in recent years, indicate a need for an extensive and thorough review of our national civil defense objectives, policies and programs. We, the National Security Council and FEMA are undertaking such a review as a matter of priority to provide a basis for decision on the Civil Defense Program for fiscal year 1987 and beyond. Pending the results of this review, we support the fiscal year 1986 civil defense budget as the minimum essential to maintain program elements currently in place.

As suggested by Congressman Kramer, you may want to query me further on that aspect of Mr. Weinberger's letter.

But let me summarize briefly the background leading up to that statement by my Secretary.

ROLE OF DEFENSE DEPARTMENT

I don't have to remind the members of this committee that, while the role of the Defense Department is to be prepared to cope with war, the most fundamental purpose of the administration's strategic and conventional force modernization programs, arms control and reduction negotiations and the strategic defense initiative, is the prevention of war, any war, but particularly nuclear war.

We continue to believe that our ability to deter war is critically dependent upon convincing the Soviet leadership that an attack on the United States or its allies would yield no meaningful advantage to the Soviet Union. We believe that it is possible to so convince the Soviets by demonstrating that we have the resolve to deny them their objectives whatever military option they may elect to pursue.

An effective nationwide civil defense program is an integral element of the overall strategic posture we seek to maintain. As a wartime capability for reducing population density in potential target areas, and facilitating survival and reconstitution in all areas, it complements our other military efforts to make war less likely.

We believe that the implementation of the President's five-point strategic modernization program decreed in 1981, of which an improved civil defense capability is a part, has, in fact, demonstrated to the Soviets our resolve to redress the strategic balance. The prospects for negotiating realistic and meaningful arms reduction measures are improving. Yet, the Soviet Union is a relentless and purposeful adversary—in negotiations as well as in political and military confrontations. The Soviets are returning to the bargaining tables with the objectives of weakening our resolve and of redirecting America's commitment to the advantage of the Soviet Union.

Three years ago, when testifying before this committee in support of the FEMA's fiscal year 1983 budget authorization request, we noted that a Presidential decision had been made to increase the resources devoted to civil defense, to expand the program on a nationwide basis, and to lay the groundwork for repairing crucial deficiencies in previous approaches to protecting our Nation against nuclear attack. We in Defense took part in the studies and recommendations that led to that decision, and we had hoped that FEMA would be able to launch this revitalized effort in fiscal year 1983. What was proposed then, and what has been proposed through 1985, is a program we believed would lessen the likelihood of nuclear war by giving the American people a better chance of surviving a nuclear attack, and our institutions a better chance to recover, than they presently enjoy.

Each year, the Secretary of Defense has called the attention of Congress to the fact that the level of funding of civil defense leaves the United States in a posture of merely sustaining a minimum national commitment to civil defense, one which is well below the per capita commitment by comparable Western nations to civil defense, and far below the commitment by the Soviet Union to its civil defense programs.

All together, the current strategic situation, the enunciated Strategic Defense Initiative, and the intent of the Congress as evidenced by appropriations for civil defense in the last 3 fiscal years, point to a need for an extensive and thorough review of our national civil defense objectives, policies, and programs. We will undertake, as I indicated, in conjunction with the NSC and FEMA, such a review as a matter of priority.

In the meantime, it is vitally important to maintain the civil defense capabilities currently in being, lest those essential resources for mitigating the effects of peacetime disasters, as well as nuclear war, atrophy precipitously. The fiscal year 1986 civil defense budget, therefore, is a minimum maintenance budget shaped by fiscal constraints and by national security imperatives. We in Defense endorse the proposed 1986 Civil Defense Program as meeting the criteria of Executive Order 12148 within the context of a shared commitment to review and realign our national civil defense policies and programs to produce an effective future program of that type.

Thank you, Mr. Chairman.

PREPARED STATEMENT OF GEN. RICHARD G. STILWELL

FISCAL YEAR 1986 CIVIL DEFENSE PROGRAM

Mr. Chairman, members of the committee. I appreciate this opportunity to testify on behalf of the Federal Emergency Management Agency's proposed Civil Defense Program for Fiscal Year 1986. As in previous years, I also can assure you that it has the Defense Department's endorsement and support; but the rationale for that support differs today from that of my earlier appearances before this committee.

As you are aware, the Department of Defense and the National Security Council share responsibility for oversight of FEMA's Civil Defense efforts. That responsibility derives from mandates we received several years ago from the President in Executive Order 12148, and from the Senate Armed Services Committee, to ensure that:

Civil Defense planning continues to be fully compatible with the Nation's overall strategic policy, and

Legitimate needs of national security not be unintentionally subordinated to disaster relief in programming.

In compliance with your instructions, we have for the past six years provided for your committee's consideration, a written assessment of FEMA's proposed program, together with an analysis of the data upon which our assessment is based. For the FY 1986 program proposal, we found that such a written assessment and analysis would have very limited value to you or the Department of Defense. As Secretary Weinberger stated in his report this year,

The current strategic situation, the Strategic Defense Initiative, and the intent of the Congress as evidenced by appropriations for civil defense in recent years, indicate a need for an extensive and thorough review of our national civil defense objectives, policies and programs. We, the National Security Council, and FEMA are undertaking such a review as a matter of priority to provide a basis for decision on the Civil Defense Program for FY 1987 and beyond. Pending the results of this review, we support the FY 1986 Civil Defense Budget as the minimum essential to maintain program elements currently in place.

I would like to expand on the background leading up to that statement by the Secretary.

I need not remind the members of this committee that, while the role of the Department of Defense is to be prepared to cope with war, the most fundamental purpose of the Administration's strategic and conventional force modernization programs, arms control negotiations, and strategic defense initiative is the prevention of war, particularly nuclear war.

We continue to believe that our ability to deter war is critically dependent upon convincing the Soviet leadership that an attack on the United States or its allies would yield no meaningful advantage to the Soviet Union. We believe that it is possible to convince the Soviets of this demonstrating that we have the resolve to deny them their objectives whatever military option they may elect to pursue.

An effective nationwide Civil Defense Program is an integral part of the overall strategic posture we seek to maintain. As a wartime capability for reducing population density in potential target areas, and facilitating survival and reconstitution in all areas, it complements our military efforts to make war less likely. Yet even the most massive Civil Defense effort would not eliminate vulnerability of large segments of our population, our infrastructure and our industry to devastating effects of nuclear war. And, as is evident, all U.S. civil defense programs have been modest, rather than massive, efforts. Their aim, in conjunction with other improvements in our strategic posture, has been to give credibility to the perception that the United States can deny the Soviets any meaningful gain from the threatened or actual use of nuclear weapons.

We believe that implementation of the President's Five-Point Strategic Modernization Program, of which an improved civil defense capability is a part, has demonstrated to the Soviets our resolve to redress the strategic balance. The prospects for negotiating realistic and meaningful arms reduction measures, thererfore, are improving. Yet, the Soviet Union is a relentless and purposeful adversary—in negotiations as well as in political and military contests. The Soviets are returning to the bargaining tables with the objectives of weakening American resolve and of redirecting American commitment, to the advantage of the Soviet Union.

For all that has been said for and against the Civil Defense Program, the actual program remains simply a collection of technologies and management techniques for purpose of saving lives under peacetime and wartime conditions. It is a program that recognizes that preparedness for effective response to earthquakes, hurricanes, or floods, and to man-made calamities such as chemical or nuclear accidents or terrorism, also contributes to preparedness for the greatest potential calamity of all, nuclear war. America's Civil Defense Program acknowledges that disaster remains disaster, whatever its magnitude or cause; that human suffering remains suffering, whatever its source; and that social responsibility requires us, as a government and as a nation, to do what we can to prevent or mitigate disaster and suffering however limited our capabilities, rather than succumb to the paralysis to fear.

Three years ago, when testifying before this committee in support of FEMA's FY 1983 budget authorization request, we noted that a Presidential decision had been made to increase the resources devoted to civil defense, to expand the program on a nationwide basis, and to lay the groundwork for repairing crucial deficiencies in previous approaches to protecting our nation against nuclear attack. We in Defense took part in the studies and recommendations that led to that decision, and we had hoped that FEMA would be able to launch this revitalized effort in FY 1983. What was proposed then, and what has been proposed through FY 1985, is a program that we believed would lessen the likelihood of nuclear war by giving the American people a much better chance of surviving a nuclear attack than they presently enjoy.

Since FY 1981, the Secretary of Defense's Oversight Report and our corresponding testimony to the Congress have endorsed and supported the Nation's civil defense policy as directed by the Congress and, subsequently, as stated in NSDD 26. Yet, the Congress annually has reduced the requested funding to a level which has permitted little more than straight-line continuation of program activities conceived prior to 1981. Each year, the Secretary of Defense has called to the attention of the Congress the fact that such level funding of civil defense leaves the United States in a posture of merely sustaining a minimum national commitment to civil defense, one which is well below the per capital commitments by comparable western nations to civil defense and far below the commitment by the Soviet Union to its civil defense programs.

Summing all together, the current strategic situation, the Strategic Defense Initiative, and the intent of the Congress as evidenced by appropriations for civil defense in recent years, indicate a need for an extensive and thorough review of our national civil defense objectives, policies and programs. We, the National Security Council, and FEMA are undertaking such a review as a matter of priority.

In the meantime, it is vitally important to maintain the civil defense capabilities currently in being, lest those essential resources for mitigating the effects of peacetime disasters, as well as nuclear war, atrophy precipitously. The FY 1986 Civil Defense Budget therefore, is a minimum maintenance budget, shaped by fiscal constraints and by natioanl security imperatives. We believe it is the very minimal level of support which a conscientious government can provide its people, its infrastructures, and its institutions. We therefore endorse the proposed FY 1986 Civil Defense Program as meeting the criteria of Executive Order 12148 within the context of a shared commitment to review our national civil defense policies and programs to produce an effective future Civil Defense Program.

Mr. **Dellums**. Thank you very much, General.

The Chair would indicate that, without objection, the full text of the General's statement will appear at the appropriate point in the record.

The Chair would now recognize Mr. Martin for such time as he may consume.

Mr. **Martin**. In deference to time, Mr. Chairman, I will defer to the Chair.

Mr. **Dellums**. The time of the gentleman has expired.

Mr. **Martin**. Thank you and welcome, General.

Mr. **Dellums**. Mr. Kramer is recognized for such time as he may consume.

Mr. **Kramer**. Welcome, General Stilwell.

Mr. Giuffrida, welcome also. I forgot to say hello to you when I first came in.

General Stilwell, on the first page, you indicate that the rationale for the support differs today from that of earlier appearances, but I don't see anywhere in your statement that you really explain that in any detail. Could you do that for us?

OBJECTIVES OF THE CIVIL DEFENSE PROGRAM

General **Stilwell**. Yes, sir. It has been 3 years since the national security decision directive was enunciated which sets forth certain objectives for the Civil Defense Program of the United States. In the context of the President's five-point strategic modernization program in which he enunciated that the passive measures, like certain active defense measures, particularly against the air-breathing threat—along with our command and control mechanisms and our capabilities for continuity of operations—were in the composite part of the strategic posture that we intended to maintain and improve.

A good deal of water has gone under the bridge since that national security directive was issued, as you well know, Mr. Kramer. On the one hand, we have made some real steps in redressing the strategic imbalance in terms of offensive forces, and in the building of those to the point the Soviets indicated they are coming back to the negotiating table. We have a new framework hopefully developing for the serious pursuit of arms negotiations.

On the other side of the chess board, we have many things the Soviets are still doing, unabated, in the development of additional capabilities in the strategic nuclear area.

We, therefore, are now pursuing quite actively research with respect to development of defenses against ballistic missiles from launch to final impact. In our view, if Civil Defense made some sense by itself in the absence of any active defenses, it probably makes more sense now.

In any event, we must look at all of those things. It seems to us—and it has been alluded to by this subcommittee just a little bit ago—the other thing, it seems to me, that one must look at is how you market this product, where we have, in my humble personal view, done a very poor job over the years. There is a lack of a constituency out there. There has been less than effective articulation of the interrelationship of passive and active measures. The President has said they are linked. He is the Chief Executive, the Commander in Chief. The Congress, in its mandate of 1980, said they are linked. But just those statements do not make it follow that the great bulk of the people understand and appreciate that. So, like the catechism, it merits continued repetition, underlining and better explication.

It may be that part of a review, one takes a look at the people who are so basic and fundamental to an effective Civil Defense Program, not only the people who are on the payroll of the Federal Emergency Management Agency and of the States, but perhaps there is a much larger role for volunteers in this program, maybe some linkage with the initiatives of Senators Nunn and Hart, some concept of national service. Certainly there is a great role for enhanced—a methodology for better—awareness, training and possible education.

It does seem to me, sir, that all of those facts which I have stated—perhaps rather inchoately up to this point—suggest that, 3 years after a basic decision has been made, which has had very indifferent acceptance by the Congress, by the people, it is time to relook the situation. To relook without changing the basic objective that must be ours as a government to give our people a better chance of surviving, recouping, redirecting in the event of any one of a whole series of national disasters, but, most of all, those at the top of the conflict spectrum—all with the idea of better ensuring that Civil Defense adds to the posture of deterrence, which is our primary responsibility to make even more efficacious than it is.

Mr. **Kramer**. Thank you for that answer. I agree with what you are saying.

Let me ask you this as a sort of a bottom line to better put it in the context of what we are talking about. It appears to me that there is a very strong likelihood that our approach to Civil Defense will be changed dramatically over the course of the next year when you or another representative of the Department is up here testifying in front of this committee. Now it may be a decision is made to keep things the way they are, but it appears to me that that is probably not going to be the case.

The chairman and I debated—discussed, I guess, would be a better word—in a very brief private conversation right before you testified what this means. Chairman Dellums suggested that that means the administration is going to substitute SDI and its implications for Civil Defense. I suggested, no, what I think it really means is that it is a total transition to defense, which would include a much more ambitious and aggressive Civil Defense Program than has been the case in the past.

Could you perhaps throw some light on who might be correct there?

[Laughter.]

Mr. **Kramer**. It will not cost you any money in front of the committee.

General **Stilwell**. It is, in my view, totally conceivable that you are both partially right. [Laughter.]

No, no; I do not see an active defense, as the chairman suggests, ever substituting for passive defense. I mean, no one ever has indicated any kind of a leak-proof active defense in today's world. Hopefully enough to deter an attack, sir, by increasing the uncertainty in the minds of the attacker as to the—of the success of any kind of a strategy—but it certainly would be only a percentage in terms of effectiveness, that needs, in any event, to be supplemented by the other measures that could add up, in our view, to 100 percent—therefore protection of your population.

But even if we don't go that way—and the decision is still out, the court is still out on that, including this Congress—there is abundant rationale for continuation of our efforts to provide something better in the way of civil defense than we have right now—passive defense.

As I said before, I believe there is a clear rationale for civil defense in an active defense environment. There is, in this old soldier's view, a very clear and evident rationale for civil defense in the absence of any measurable capability to deal with ballistic missiles—and all for the purpose of deterrence.

Mr. **Kramer**. That's a beautiful statement. I am still not sure what you said, but I liked the words. [Laughter.]

The Secretary's letter indicates that you are going to go back amongst DOD and the National Security Council and FEMA and take an extensive and thorough review of our civil defense objectives, policies, and programs and, in undertaking that review, as a matter of priority, to provide a basis for the Civil Defense Program for 1987 and beyond. That seems to me to say a fairly dramatic change in the offing.

I guess I am still not sure, after listening to what you said general, what that priority might be.

General **Stilwell**. I am not prepared to provide at this stage of the game, sir, the conclusions and recommendations from that study, that review, except that it must go forward as a matter of priority. In the first place, we have just told you it would in a letter dated yesterday or today. The letter, by the way, just to clarify for the record, was fully—I wouldn't have submitted it for the signature of my Secretary unless it had been clearly—approved by the NSC staff, OMB, and FEMA.

Mr. **Giuffrida**. That is right. Mr. Maguire from my staff had signed off on that letter.

Mr. **Kramer**. I guess what I am saying is that letter, to me, indicates that 3 things can happen after the letter basically—nothing, and you indicated, I think, that the expectations you had 3 years ago have not been realized and we have not gotten to where you would hope we might get for a variety of reasons. So, after reviewing all this for a year, we can continue with our present policy. The budget for this year is sort of holding in place at a little reduced level, or we can really make it truly a matter of national priority. Or we can say, well, we are not really prepared to spend what needs to be spent to really do the job or make it the kind of priority that needs to be made to really do the job and, rather than just sort of dragging it out and just sort of keeping the bureaucracy alive and not really protect anybody from the ultimate catastrophy, just get rid of the whole thing and recognize that we are not going to have the funds to really—or the priority—to do the job.

Will all three of those options be contemplated in this review, or have some automatically been eliminated before this review starts.

General STILWELL. I think the last one that you have implicated is simply not an option.

Mr. GIUFFRIDA. I agree.

General STILWELL. To throw a very good project out, a very important project, which reflects the decisions of this administration, a previous administration, of the Congress—that civil defense is inextricably related to the strategic defense posture—is not an option from what I see is happening, sir. And I don't know, I shall not be part of the study group because I am very close to—well, in fact, I am—turning in my suit for personal reasons.

Mr. KRAMER. We are sorry to hear that, sir.

General STILWELL. But I would hope that the level of effort, if you want to put it in financial terms, would come out no less than had been charted earlier, but with greater support. We will obviously look at the broad concepts of population relocation, as was the original concern, industrial protection, all those things which are the aspects. There may be better ways to do it in today's world, given the changes in targeting on the part of the Soviet Union, the weaponry and all that sort of thing. Certainly those have got to be looked at today. And maybe, as I say, from the standpoint of the overall management, there is a better way. But most importantly, I would hope, coming out of that review is a better concept and program for gaining support.

Mr. KRAMER. Let me just ask one more question and that will do it.

Within that context of that review, will you also be contemplating or looking at a reorganization of FEMA with respect to civil defense functions?

General STILWELL. I wouldn't expect that to occur, sir.

Mr. GIUFFRIDA. I don't either.

General STILWELL. The TOR, obviously, for the review, have yet to be written. They are being drafted now. They have got to be concurred in on an interagency basis. But I don't see them having any effect at all on the question of the roles and missions as they are now divided among the three principal agencies.

Mr. KRAMER. Thank you very much. You will be missed. When are you doing this dastardly act and turning in your suit?

Mr. GIUFFRIDA. They pulled him back out of the water to come today.

General STILWELL. The 28th of February, sir, of this calendar year, but I was asked by my good friend, General Guiffrida, and got the authority of the Secretary of Defense to represent the Department on this case.

Mr. KRAMER. Thank you for coming, and good luck to you.

General STILWELL. Thank you.

Mr. GIUFFRIDA. Mr. Kramer, I would only add to General Stilwell's statement that the amendment which this committee was instrumental in making to the Civil Defense Act specifically charges me to make sure. It speaks of dual use, providing it does not detract from the strategic importance of the program, and we have been very sensitive to that.

Mr. **DELLUMS**. The time of the gentleman has expired.

Mr. Martin, do you have a question you would like to raise?

Mr. **MARTIN**. Thank you, Mr. Chairman.

I would like to thank General Stilwell for his many years of service, both in uniform and out of uniform, to this Government. You will certainly not soon be forgotten. I thank you personally for your interest and courtesy that you extended to my office.

General **STILWELL**. Thank you, sir.

Mr. **MARTIN**. I appreciate your comments about the time for a relook and a rethink as to where we are going given the resources we have in this changing world—or changing tactics and trying to deter war and trying to defend the American public. I understand that we have to have that.

Mr. Giuffrida, I would ask you—his candid responses were in that timeframe of relooking and rethinking. It is obvious that we are facing the budget. I kind of wish that maybe some of the strong proponents would be given a little more warning that there is going to be a turn in the road ahead.

I would ask—things like the Emergency Broadcast System, are you talking about zeroing?

Mr. **GIUFFRIDA**. No, sir.

Mr. **MARTIN**. How are we going, those going, while we are doing relooking and rethinking?

Mr. **GIUFFRIDA**. I think it is important for the committee to understand that in this relooking, there has been absolutely no deviation from the responsibility which we share with the Congress to protect the citizens of the United States. That doesn't change in any portion of it. We have already spent, as you know, Mr. Martin, a great deal of money on EBS.

I think maybe there is more significance being attached to the Secretary's letter as though there was something extraordinary about agencies, which share a function, periodically reexamining it. I was criticized in one of the committees for making changes, and my response was that I think the committee should not be criticizing me for making changes after review, but they might do better to examine places where there hasn't been a change in 50 years—examine that part of it.

But this is not, in my view as one of the principal players, an unusual mission which has been assigned to DOD, NSC, and FEMA. We do it all the time. We are doing it with other agencies which do not appear in front of this committee to make sure that we are spending the money best to meet the intent of the Congress.

Mr. **MARTIN**. I thank the chairman.

Mr. **DELLUMS**. The time of the gentleman has expired.

The Chair would like to first join my other colleagues, General, in thanking you for your contribution before this committee, and certainly join in wishing you well in your endeavors as you go forward to meet the rest of your destiny. We certainly appreciate our association. You contributed immensely to this gentleman's education on this particular subcommittee. We thank you very much for that.

Mr. Giuffrida, we thank you as well for your contribution this morning and early afternoon.

General, there are several questions that we will ask you as the appropriate designee to respond to in writing. We thank the gentleman.

Mr. DELLUMS. There are three bits of testimony that the Chair would like to, without objection, have appear at the appropriate point in the record of these proceedings.

We have two additional witnesses. The Chair feels that we can handle this testimony expeditiously and there will be no need to come back this afternoon. One of the gentlemen has a conflict, and if we can work it out, then I would like to try to do that.

The Chair would like to bring forward Mr. Suiter, president of the National Emergency Management Association; and Mr. Casanova, president of the National Coordinating Council. We would like to have both of the gentleman appear. Mr. Suiter will make his statement, followed by Mr. Casanova, and then we would be open for questions.

Mr. Suiter.

STATEMENT OF LACY SUITER, PRESIDENT, NATIONAL EMERGENCY MANAGEMENT ASSOCIATION, NASHVILLE, TN

Mr. SUITER. Thank you, Mr. Chairman. We appreciate this opportunity, and thank you for seeing us. We are addressing at 2 o'clock today the National Academy of Science's Telecommunications Policy Subcommittee on the FEMA budget.

Mr. DELLUMS. We are more than happy to accommodate you.

Mr. SUITER. Thank you.

We want to make it clear, speaking for the State directors of emergency management, who are the representatives of the 50 Governors of the Nation, that we perfectly understand that the Federal Emergency Management Agency is following the directives of the Office of Manpower and Budget in terms of reduction.

I find it difficult to believe that any of the gentlemen who have preceded us who have dealt with this particular program over the years honestly and truly believe in their heart that it will be possible for the State and local governments to continue the Emergency Management Program at the current levels in fiscal year 1986. I realize they have not had the chance to put their information together yet, but it is pretty obvious to us in the National Emergency Management Association that probably one State will survive intact—that happens to be my State, the State of Tennessee. The review is underway in the other States pretty much right now, but there are only about four or five States that are going to be able to survive pretty much intact with this particular cut. Again, we believe that General Giuffrida and his agency has done a good job in terms of force and trying to work with us, and so forth.

We did not know about the budget cuts. I didn't have any indication of the budget cuts until December 27 and, December 28, I was in the General's office. Obviously, he could not discuss with me what those cuts would be or the ramifications. We immediately called our committee together in Nashville and had a meeting of all the State directors and, by this time, through whatever means, we were pretty well informed what those cuts would be. So we have been at the State level, and working with the local governments, reviewing what those situations would be. There will be an enormous reduction at the State and local government level where these services have to be delivered. They are being reduced considerably.

You were inferring a while ago, I wish there was some way the Federal Government could be here and the States here and the locals here and we could all respond to your questions at the same time. But, nonetheless, you were making——

Mr. DELLUMS. Mr. Suiter, just a moment. I really apologize for that, because we had decided to try to experiment with that and, where we have done it, we find that the result is extraordinary because you don't have to wait for several days or several weeks for the response and you can get the record clear immediate. I am sorry we just didn't engage in that this morning, but your point is well taken.

Mr. SUITER. I think that would be quite interesting to put it that way.

But you mentioned Bhopal, India, and you have those plants similar to that in, I think, Institute, WV, or something like that. Nonetheless, millionaires don't build around these type plants. You know, they live off in the woods. The people who would be most adversely affected are the people who could least afford to be affected. We have the same thing in Tennessee at other plants.

But the Emergency Management or the Civil Defense Program in our State has greatly provided assistance when those types of instances have occurred. We had the Drexel Chemical fire in Memphis, TN. We used those things that had been done in crisis relocation planning to get those people out of those areas. We didn't have anybody die.

EFFECT OF BUDGET CUTS

The other series of things that are going to happen as a result of this budget cut as projected by the President right now is the Nation's warning system. I am talking about the parts that the State and local governments are responsible for. Those things are going to shut down if we can't make the transition quickly enough, and those States cannot get back into their legislatures or into their local government budgeting process to pick up those funds.

I will give you an example. Memphis, TN has about a 95-percent or so warning system. The tornado system that came through northern Mississippi last April 24 did great damage in that particular town and wound up with a Presidential disaster, and a lot of people were killed, six or seven people were killed and a lot of people were injured. The same tornado system struck Memphis, TN at 2 o'clock in the morning. With a 95-or-better-percent warning capability using nuclear attack devices, we didn't have any deaths and only had three injuries with a larger disaster in terms of property damage, and so forth. But we were able to handle that without even going to the Federal Emergency Management Agency or the President to ask for a Presidential disaster. There were good mitigation processes in there that save lives, and that is what our job is, to save lives.

A very strong argument can be made that these reductions that the President is currently proposing out there will result in an increase in the number of people who would be killed as a result of the warning system having to shut down because we don't have the time, for the State and local government that is not in the right sync, you know, cannot reconvene general assemblies and this type thing to pick up these other costs. More people will die as a result of these budget cuts in natural disasters and these other types of things who should not have died in the first place.

In terms of cutting back in the mitigation areas, even the cost of restoration of properties will go up. So in the long run, the cost to the Federal Government is going to be greater in the end as a result of more Presidential disasters, as a result of mitigation work coming to a halt over this period of time until the transition is made.

Civil preparedness, as we all know, sir, is a partnership. It is that way in the law. It is the Federal Government, the local government, and the State government in there, and the States do the coordinating and has certain responsibilities in all of these things. In our particular State, we participate with the local government financially, and so forth. Some States are not able to do that.

One of the States represented by the gentleman who was here this morning is going to be very seriously affected by this. The State of Colorado where Mr. Kramer is from currently has a staff of about 24. They are estimating a staff of about 10 or so when this cut is over at the State level, because they simply don't have the time to get it in the process as we go.

These generations of disasters that we are having right now all across the Nation, we simply cannot sit back and take this particular cut that we are talking about here. Without speaking for the Governors—and as we met over the weekend with the National Association of Counties and the National Governors Association last week—we can't sit back and take these cuts at this point in time until there has been an appropriate time to transition over and maintain the level that we are talking about.

In our own State, in Tennessee, on February 24, 1978, at 2:59 in the afternoon is in my memory forever. A hazardous material accident occurred, a train wreck involving propane. Before we could even turn around, there were lots of response people who were in there—it happened about 5 o'clock in the morning or so. Two days later, because there was not the proper training, there was not the proper response on the part of either the State government or the local government, 16 people were killed just that quick, including my own men who were killed in that particular incident. Another 83 were burned for life. They were in an area that just had been cleared out, there was not proper evacuation in the area, there had not been proper training.

We have made progress over the years and we have saved lives, not only in our State, but in other States, as a result of this program. We simply cannot, sir, cut that off at this point until the States have had the option themselves as a result, you know, to pick up what is an appropriate additional share of funding for them to pick up on it. In our State we made that decision some years ago, and we are working on that particular situation now.

But the floods, the hurricanes—in 1983, in your own State, sir, more than 17,000 people were evacuated as a result of flooding. We are currently working—we also chair the Central United States Earthquake Consortium. We are working with FEMA in that particular area. In the New Madrid area we have some seven States that are involved in that. They are telling us there will be a 7.6 earthquake or greater by the year 2000. We are moving along in that. The same people who are doing this other nuclear attack planning and everything are the same people who are involved in this particular area, and that is an awfully strong defense-related area through there.

RADIOLOGICAL EMERGENCY PLANNING

In the case of REP, the technology that goes with the Radiological Emergency Planning around the nuclear powerplants. We have already had a Three Mile Island. All of the Federal rules imposed on the State and local governments as to what must be done around those plants, yet these same folks are the ones who have to plan for the evacuation area and plan for the sheltering and really do that. There are not really Federal disasters in that sense. There hasn't probably, except for war, ever really been a Federal disaster. Federal disasters happen at the local government level. They happen in Oakland, CA, and Nashville, TN, and in Dayton, TN, and places like this. They don't happen in Washington, DC, other than what happens every day, I suppose.

But at any rate, the fact of the matter is that is where those disasters occur and that is where the money should be going, to those particular areas.

The transition of the law, the amendment that you all made in the law here in 1981 or so, was an important transition, recognition of the transition of the Civil Defense Program to comprehensive emergency management on it. And the further creation of the Federal Emergency Management Agency, that was a blessing, a godsend for the Governors. I have been in this program 17 years, and it used to be that when I had to try to get something out of Washington, I had to go to 33 different agencies. Now it is all within FEMA, and it is working, and it is working pretty good. There are some problems between the States, FEMA, and the local governments, there are problems between local governments and States, but we are working in the direction of correcting those problems.

We obviously don't agree with the hazardous material initiatives of the Federal Emergency Management Agency in there, but they are working in the right direction where we can reach agreement on it. The hazardous material actions happen at the local government level. That is where the assistance needs to go. We don't need another bureaucracy up here. But perhaps at this point in time, we don't understand what those initiatives are in that area, and we want to work with them until we understand it better. We are using in almost every State in the Nation now the integrated emergency management system which FEMA came out with, and it is a good program. It is working well in Tennessee, and I think you will find, if there were other States here today, sir, that they would tell you that it was working well there.

So for those reasons, sir, you will find in our particular presentation to you, our formal written testimony that we have here for you, that we feel that the Nation's people are in great jeopardy during this transition period that we have in front of us. We are asking you, sir, in our testimony—we are urging you to maintain the appropriations for emergency management under the civil defense appropriation at a level not less than the current fiscal year of 1985, or 181.4.

Our association also supports legislation which specifically identifies funding to be passed through to the State and local governments, and that the funding level of 1985 be used as that basis on it. We specifically support proposals to maintain the following programs at the fiscal year 1985 funding level, which includes State and local emergency management assistance, radiological defense, population protection, State and local direction, control and warning, and training and education. These programs are considered to be essential by the State Governors and by the county executives to ensuring public safety through the integrated emergency management system.

We have been working with the National Governors Association which is represented here today by Dr. Linden Jones, the National Association of Counties, the National Coordinating Council on Emergency Management. We currently have initiatives with the U.S. Conference of Mayors and the National League of Cities and other groups in trying to work out what would be an appropriate study process during fiscal year 1986 and fiscal year 1987 if there is to be a transition of some of these funds back to the State and local government level, and give us time to work that in and let the general assemblies of the different States make that.

Finally, sir, we make a strong plea to the Congress to redirect or to change the directive of the Office of Management and Budget, to reverse the directive that eliminated the student stipend program for the National Emergency Management Institute and the National Fire Academy. They are eliminating the travel costs which are currently paid for by the Federal Government to go to their school at Emmitsburg, MD, or the National Emergency Training Center. It is our feeling that if that is not reversed, there won't be any reason to build the National Emergency Training Center in the West, because we simply are not going to have the students to go there, especially in this particular year when we are having to pick up more and more of the cost and, therefore, we are not going to have any money to pay students stipends, the transportation costs, to go these things.

So those are the five points, sir, that we have in this. We appreciate your time and consideration. And I wish that the next time I will be able to respond at the same time my good friend, the general, does. Thank you, sir.

PREPARED STATEMENT OF LACY E. SUITER

Mr. Chairman and Members of the Subcommittee: It is a pleasure for me to appear before the Subcommittee on Military Installations and Facilities to discuss the role and responsibilities of State government in preparing for and responding to the spectrum of natural and man-made disasters, and to specifically address the impact of the proposed FY86 civil defense reductions on emergency management operations at all levels of government.

INTRODUCTION

Protection of the population of the United States against the potentially catastrophic effects of natural and man-made disasters has long been recognized as requiring a partnership of federal, state and local governments. Since 1978 the National Administration and the Congress have encouraged improved emergency management capability by the establishment of the Federal Emergency Management Agency, by amendment of legislation to permit use of national emergency preparedness resources for natural disasters, and through increased fiscal support to State and local governments. Congressional support for the emergency management community has been provided in recognition of the increased vulnerability of communities across the nation to a range of natural and technological hazards and the need to develop and maintain a comprehensive emergency management system that is flexible, yet functional.

INCREASED VULNERABILITY TO HAZARDS

The general trend across the nation towards increased urbanization, higher population densities and a growing dependence upon hazardous and toxic materials has been accompained by a discernible increase in our collective vulnerability to a variety of natural and man-made hazards. The recent incidents in Bhopal, India and Mexico City perhaps signal a new generation of industrial related accidents whose implications for this country, have yet to be fully investigated. Many of the variables that contributed to those accidents are present in many of our population centers.

The natural disasters that we have become all too familiar with include floods, tornadoes, hurricanes and earthquakes. While earthquakes pose the greatest potential for destruction, floods have traditionally caused the most property damage across the nation. In California alone, nearly 17,000 families were temporarly displaced in 1983 as a result of floods and landslides.

Earthquakes, which potentially impact 43 states, provide perhaps the greatest single challenge to emergency managers given the fact that there is virtually no warning and the area of impact can be several states, as is the case with the New Madrid fault in the Central United States. The potential damage and casualties that can be induced by an earthquake places a tremendous strain on local, states, federal and private sector resources in the response and recovery phases. Studies are currently underway that examine the impact of a damaging earthquake on state and regional economies. Particular emphasis is being focused on the vulnerability of defense related industries, notably in California, to a damaging earthquake.

While natural disasters have traditionally been the headline grabbers, the emergency management community at the federal, state and local level has focused attention on a new generation of hazards that are a by-product of a technologically oriented society. Three Miles Island demonstrated our vulnerability, however remote, to the danger of a release of radioactive materials from a nuclear facility. Hazardous materials constitute another area of concern to emergency responders. Many sectors of our economy are dependent upon the production and distribution of increasing amounts of substances that are flammable, corrosive, poisonous or radioactive. It is estimated that there are approximately 250,000 daily shipments of these substances throughout the nation. Transportation accidents are on the increase in most states and local communities, sometimes resulting in scores of casualties. There is no indication that this trend will reverse itself in the near future.

Another area of concern to emergency management and law enforcement officials is the vuluerability of the United States to terrorism. While the number of incidents appears to have stabilized, the fact remains that most sectors of the economy are exposed to acts of terrorism.

In essence, the field of emergency management has undergone a significant transition since its inception under the Federal Civil Defense Act of 1950, when the focus was nuclear attack preparedness as called for in the language of act. While national preparedness is still an integral part of the civil defense system, the concept of comprehensive emergency management has evolved which recognizes and addresses the need to prepare for the full spectrum of natural, technological and man-caused emergencies that confront communities across the nation.

COMPREHENSIVE EMERGENCY MANAGEMENT (CEM)

At least two factors served to accelerate the evolution of comprehensive emergency management from a concept to a functioning system for managing emergencies. The first was the amendment to the Federal Civil Defense Act of 1950, adopted in January 1981 (Public Law 920—81st Congress) that recognized that Civil Defense could be utilized "to provide relief and assistance to people in areas of the United States struck by disasters other than disasters caused by enemy attack." Congress effectively recognized the dual nature of civil preparedness.

The second significant event that facilitated the adoption of comprehensive emergency management was the creation in 1978 of the Federal Emergency Management Agency (FEMA), a consolidation of five federal agencies with responsibilities for disaster planning and response and related mobilization activities. For the first time, all federal disaster preparedness functions were under one roof, which in itself was a considerable accomplishment. From an administrative point of view, the consolidation provided a measurable improvement in cohesion at the headquarters and regional level. Communications and coordination between FEMA and State and local governments was improvewd considerably with the formation of a new directorate, State and Local Programs and Support (SLPS), headed by a Presidentially appointed Associate Director.

Paralleling the creation of FEMA was the formation of the National Emergency Management Association (NEMA), the organization of state directors of emergency management. The NEMA was organized to promote the interests, serve the needs and advance the objectives of emergency management at the State level of government, in partnership with FEMA and local governments across the nation. One of the most valuable initiatives undertaken by NEMA has been the formation of the NEMA-FEMA Study Group, which meets every six months, and serves as a forum for frank discussion and interaction between NEMA's Executive Board and senior FEMA officials.

With guidance provided by FEMA, State and local governments have developed comprehensive emergency management programs that address the full spectrum of actual or potential hazards and emergencies that confront communities throughout the nation. The federal government, through FEMA, has provided funds and technical assistance to states to ensure a capability base for responding to national emergencies, i.e. Population Planning, Facility Survey, Emergency Management Training Programs. These programs are 100 percent federally funded in recognition of the primary role of the federal government in national preparedness. The states are permitted to use these funds for other hazards as long as this does not detract from readiness to respond to national emergencies.

Under the Integrated Emergency Management System (IEMS), State and local governments have undertaken an examination of the entire spectrum of hazards that confront them; have determined the magnitude of the risk (vulnerability); assessed their jurisdiction's capability to respond to those hazards; and, based on capability shortfalls, have developed plans for closing the gap between existing and required levels of capability. These steps are the basis for integrating emergency management activities on a multihazard, functional basis.

IMPACT OF REDUCED FUNDING FOR CIVIL DEFENSE

A discussion of the impact of a reduction in bunding for "civil defense" in FY86 must be undertaken in the context of the integrated emergency management system. The fundamental objective of emergency managers at all levels of government is to minimize the loss of lives and damage to property in the event of a disaster or emergency. If it is accepted that, as a nation, we are increasingly vulnerable, for reasons previously cited, to natural and man-made disasters, it follows that if State and local governments do not maintain or at least marginally improve their capability to respond to the spectrum of emergencies, then the result will be an increase in casualties and property damage that could otherwise have been averted. The issue becomes one of public safety.

Through the Integrated Emergency Management System, FEMA is attempting to maintain a credible emergency management capability nationwide by integrating comprehensive emergency management activities along functional lines at all levels of government. In essence, there are common functions that must be performed in preparing for and responding to most types of natural and technological hazards. These functions include: alert and warning systems, communications systems, public information systems, shelter systems, and training. To reiterate, the capability of a state or a community to effectively prepare for and respond to a given emergency or disaster is directly tied to the integrity of the various functions or components of the system. To illustrate, every state, unfortunately, can provide scores of examples of disasters and/or emergencies where there were unnecessary casualties or prolonged suffering due to a breakdown in one of the functions—whether it's warning, communications, training, or another component of the system.

It becomes apparent that a reduction in funding for FEMA's programs for State and local governments, which is identified in that portion of the budget as "civil defense," will have an adverse impact on the entire emergency management program. More specifically, the proposed cuts would undermine emergency preparedness and response capability at the State and local level and in the process would result in unnecessary and unwarranted suffering. In short, those very programs that are designated to ensure public safety would be jeopardized.

NEMA'S POSITION ON PROPOSED REDUCTIONS TO CIVIL DEFENSE

As emergency management professionals representing State and local governments throughout the nation, the membership of the National Emergency Management Association understands and fully supports Congressional efforts to reduce the national deficit through the reduction of expenditures in government. It is important, however, that these efforts do not adversely impact upon programs designed to ensure public safety.

NEMA has worked closely with a number of government agencies and professional associations that share a concern over the federal deficit, yet who also recognize the need to maintain a State and local emergency management program infrastructure that is adequately supported with federal funds. In particular, NEMA has received considerable support and cooperation from the National Governors Association (NGA), the National Association of County Organizations (NACO), the National Coordinating Council on Emergency Management (NCCEM), U.S. Joint Fire Council and the American Red Cross. The concerns of these organizations are reflected in NEMA's position on the proposed reductions to the FY86 Civil Defense Budget, as outlined below.

1. The President and the Congress are urged to maintain appropriations for emergency management programs under the Civil Defense Appropriation at a level not less than the $181.4 million appropriated for FY85.
2. NEMA supports legislation that specifically identifies funding levels to be passed through to State and local governments, and furthermore that the funding levels for FY86 should not be lower than FY85 levels. (See FY85 budget outline on the following page).
3. NEMA specifically supports a proposal to maintain the following programs at FY85 funding levels: State and Local Emergency Management, Radiological Defense, Population Protection, State and Local Direction, Control and Warning, and Training and Education. These programs are considered to be essential to ensuring public safety through the integrated emergency management system.
4. NEMA, in cooperation with the NGA, NACO, and NCCEM will cooperate with the Congress in a study during FY86 of changes which might be appropriate in program structure, funding formulas, and procedures for administration of federal assistance to states.
5. NEMA proposes that Congress amend legislation to reverse the OMBA directive to eliminate the student stipend for the National Emergency Management Institute and the National Fire Academy. There is a consensus among the emergency management community that an elimination of the student stipend would significantly, if not dramatically reduce the enrollment at the national training facilities.

CONCLUSION

Significant, measurable progress has been made since the creation of FEMA in developing a comprehensive emergency management program at all levels of government that is responsive to our nation's increased vulnerability to natural and man-made hazards. Under the Integrated Emergency Management System, State and local governments have been able to assess their capability to effectively respond to a spectrum of emergencies and to develop realistic plans to maintain and to eventually upgrade their emergency management capability.

The proposals that are outlined in this testimony are guided by two fundamental and interrelated factors: 1) that a freeze in Civil Defense funding at the FY85 level is a prerequisite to maintaining our current national civil preparedness capability; and 2) that a reduction in funds from FY85 levels, particularly in those programs which are essential to public safety, would inevitably result in unnecessary and unwarranted human suffering.

FISCAL YEAR 1985 CIVIL DEFENSE BUDGET

[In Millions of dollars]

	1985	Program explanation
State and local emergency management[1]	58.8	Basis for all emergency management programs at state and local levels.
Radiological defense[1]	10.3	Basis for population protection from all radioactive hazardous materials concerns at the state and local level.
Population protection[1]	13.0	Funds all-hazard planning programs for delivery at the local level.
Protection of industrial	3.0	
State and local direction control and warning[1]	12.1	Funding basis for direction and control efforts at state and local levels.
Research	4.3	
Training and education[1]	15.4	Funding for training and exercise programs at state and local levels.
Telecommunications and warning[1]	34.4	
Automatic data processing	—0—	
Programs funds	151.3	
Federal salaries expenses	30.1	
Total	181.4	

[1] Programs essential to public safety

Mr. **Dellums**. Thank you very much. We will make every effort to do that. As I said, your point is very well taken. Where we have had this kind of immediate exchange, I think that it has enhanced the quality of the proceedings.

I have just one thing. As you recall, this subcommittee authorized $190 million, the Appropriations Committee then appropriated $181.4 million, and we then, as a result of that appropriation in the conference reduced to that lower figure since we knew that is what the appropriation figure was. Now you are saying that you can live within the $181.4 million, that that is your bottom line at this point, that $119 million creates pressures that you can't live with?

EFFECT OF BUDGET CUTS ON STATE PROGRAMS

Mr. **Suiter**. At the $119 million level, you are going to have to decide whether the Federal Government gets it at the Federal Emergency Management Agency or the State and local governments maintain their emergency operation response capability, which is what saves lives every day. There is no way that the State and local governments can live with that figure and survive next year. You will wipe them out. You will not wipe out the Federal Emergency Management Agency, I don't suppose at least, but you will wipe out the State and local governments. And the $181.4 million obviously does not take into account any inflation or anything else. We are just going to have to figure out a way to do it, and the $181.4 million is what we got to have. That leaves a rather healthy Federal Emergency Management Agency at the Federal level, sir.

Mr. **Dellums**. Thank you. There will be additional questions.

The Chair will now yield to Mr. Casanova for his opening remarks, and then we will proceed with additional questions. I welcome the gentleman.

STATEMENT OF RICHARD CASANOVA, PRESIDENT, NATIONAL COORDINATING COUNCIL ON EMERGENCY MANAGEMENT, TUCSON, AZ

Mr. CASANOVA. Thank you, Mr. Chairman. I appreciate the honor of appearing here today. I will be brief. I will just say the local emergency program managers and the National Coordinating Council on Emergency Management heartily endorse everything that Mr. Suiter has said here today.

I would like to say that I think if we look back at the record, the local level has always more than carried its share of the load, whether this was just a Civil Defense Program or what it's evolved into now.

And when you talk about matching funds of 50-50, or whatever, I think if you look at that, you will see that for the most part locals are putting in two to three times matching money for whatever little they get.

And as has been testified here earlier, there really has never been enough money to match 50 percent at the local level. So we are dealing with a figure here that has never even began to approach paying the bill, if you will. I would hope that these things would be considered. There is just no way that local governments can foot these bills.

And the hazardous materials area, we are further constrained by Federal regulations. In other words, in the transportation area, there's very little we can do to regulate interstate commerce of hazardous materials. Yet, we are the ones that have to respond to those incidents with inadequate resources, inadequate capabilities.

In spite of that, I think we do an admirable job. In my own community, 5 years ago we instigated a hazardous materials team which delivers existing technical expertise to these locations at very little cost. And when there is an incident, we focus our major most informed expertise on these incidents. And in those 5 years, we haven't had an incident get out of hand. But that doesn't mean that we are capable of handling one of those big incidents, like the Bhopal, or a Three Mile Island. I don't think we can do it.

I think the Federal Government itself would admit in reality that they really don't have the resources necessary to save all the lives in a situation like that. Even on some of these incidents that get out of hand, they have to contract with private enterprise to bring equipment and expertise to bear on these problems.

So, it's something that definitely has to be a joint partnership. We are prepared to do our part but we just can't live, as Mr. Suiter says, with a cut below that current level. Thank you.

Mr. DELLUMS. Thank you for your opening remarks.

The Chair would like, without objection, by unanimous consent the full text of the gentleman's statement to appear at the appropriate point in the record.

PREPARED STATEMENT OF RICHARD CASANOVA

The National Coordinating Council on Emergency Management endorses the position of Mr. Lacey Suiter, President, National Emergency Management Association, regarding the 1986 Civil Defense portion of the FEMA Budget.

Civil Defense at the local level has always been a program of planning, preparation, and mitigation for all types of disasters. Local emergency program managers across our country will tell you, there is no way to prepare for the ultimate disaster of Nuclear Attack, without being prepared for day to day emergencies and the full range of other disasters, as well.

The impact of the proposed cuts in the Civil Defense appropriation cannot be overemphasized, for their implementation will result in severe reduction of local capabilities to respond to life threatening disasters. Over time this will very certainly increase the loss of life and property from such occurrences.

For the Federal Government to assume the position that because disasters occur at the local level, it is, therefore, their sole responsibility, would not only be a tragedy but would be an injustice to those Americans who would be the victims.

The Congress itself in amending the Civil Defense Act has recognized the dual nature of the Civil Defense/Emergency Management program and has, in fact, fostered and authorized its evolution, as such. Historically, there is no question it has understood that emergency management is a joint Federal, State and local responsibility and that State and local funding alone cannot support the development of adequeate response capabilities at the local level. In so doing, it has reaffirmed the humanitarian concerns of our citizens which are one of the many reflections of America's greatness. We believe Americans desire this support to continue.

For these reasons, as I stated initially, the National Coordinating Council supports the National Emergency Management Association position as outlined to you today and we respectfully request that the funding for the State and local levels be restored and approved at the 1985 level in the 1986 Civil Defense authorization.

Mr. DELLUMS. Let the Chair begin the questions with Mr. Suiter. You heard the question that I raised with Mr. Giuffrida earlier today, and that is, what percentage of the States, or what number of the States—I realize that this is a speculative question—but what number of States do you think would respond with the matching funds to allow this staff to continue to function at the fiscal year 1985 level?

Mr. SUITER. We will be able to give you a precise answer to that at 10 o'clock next Monday morning after all the State Directors meet here over the weekend. Right now we can tell you that our preliminary reports indicate that 44 of the 50 States will not be able to respond in time. Only one State has definitely assured, my State, our situation passed in our House of Representatives in Tennessee last week, 133 to 0, in favor of continuance for our program.

That action has not taken place in the other States at this time.

Mr. DELLUMS. Now, in your prepared remarks that you submitted prior to the testimony today, in your recommendations you offer your association's cooperation during fiscal year 1986 to assist Congress in bringing about changes that might be appropriate in funding formulas and procedures for administering Federal assistance to the State.

Do you think it is fair or unfair for the States to eventually share on a matching basis the cost of such programs as the radiological protection and population protection, both of which are currently at 100 percent. Federal funds?

DOD SHOULD FINANCE FEDERAL PROJECTS

Mr. SUITER. It is our feeling, sir, that those areas which are strictly national programs over which the States and local governments have little or no input and determination of which way those programs are going at the decisionmaking levels, such as the high priority review—we were talking about Department of Defense--should be 100 percent funded by the Federal Government.

You are still going to require those particular folks, whatever talent that may be at the State and local level, because that's where the delivery of that service is.

If we are talking about nuclear attack, it's going to be the local people who are manning these shelters, or whatever the situation may be, or doing the radiological defense.

So, yes, we think those programs should continue at the 100 percent funding level.

I have additional appropriations in my particular budget, as an example. But I won't be allowed by my State to spend those moneys on national priority. I will have to reduce my program by 50 percent. You know, if that were to take place, we will reduce our Population Protection Program by 50 percent or whatever the national priority is on that thing. We will pick the rest of that up in our earthquake planning area, which is a State responsibility—and our hazardous materials, and our civil disturbances. And in our particular case, our agency also manages the prisoner escape issue which is a big problem in our State. All of the other civil disturbances that we have.

The landslides—as you know, Interstate 40 right now is closed. That's a major problem up there in the North Carolina and on the Tennessee side. The energy problems.

We will be working on those things, especially in the absence of the national energy policy at the Federal level. We have to have a State energy policy to pick up these things. So, yes, we are working in all of these other things. I must say, I'm speaking Tennessee specific there.

There are 31,402 volunteers who drove over 19 million miles just working in the State of Tennessee alone last year in support of this program. The input of the Federal Government in terms of dollars and cents, if we were able, and we are working that out, and I will give you that also next Monday morning at 10 o'clock—States specific, by miles, by man-hour, by cost. You will find that it's an infinitesimal amount of money that the Federal Government puts in on this particular program. Yet, the pulling out of that at this point in time takes away all the management and all the framework if we don't have the kind of transition to pick that cost up somewhere else.

Mr. DELLUMS. Thank you. Mr. Suiter, in your summarized remarks before the subcommittee today, and, Mr. Casanova, in your formal remarks that you submitted to the committee, both of you in effect stated that the proposed cuts in the Civil Defense budget would certainly result in the increase of the loss of lives and property from disasters.

I would appreciate it very much if you gentlemen would give us in some detail your rationale for why you make that assertion so that we can see to it that our colleagues understand the nature of that argument. That's a very powerful and very aggressive statement, and we would like very much if you would give us some detail as to why you think that's the case.

Mr. DELLUMS. Can you tell us this afternoon how much do the States now spend of their own money on the Civil Defense Program and what percent of the total State civil defense budget is this?

Mr. SUITER. How much State government puts into this?

Mr. Dellums. Yes.

Mr. Suiter. In our particular case, we have a $6.2 million budget which the Federal Government puts in $1.7 million. The rest of it is State government.

We are in the process right now, sir, and will furnish that after the fact telling you precisely what every State puts in.

Mr. Dellums. We would appreciate it.

Mr. Suiter. We will have that by 10 o'clock Monday morning, also.

Mr. Dellums. Appreciate it.

Now, you mentioned that—and I just jotted it down as you were speaking—that the State puts in two to three times as much money as the Federal Government.

Mr. Casanova. I am saying locals do match the money that they get. And if you measure it out, not just in terms of dollars but, manpower committed to planning, to working on these problems, it really does translate out that the locals are more than matching the amount of money they get. So, it's not like we are just being given something and not responding with our own resources to deal with it.

I feel, you know, after 23 years in the business, that, as I said earlier, locals really have more than carried their share of the load in these programs. But somehow it always gets turned around that, well, maybe it's just a giveaway or it's something that's really the local responsibility. But I really think it is a partnership. And in some of the areas I think we may be carrying more of our share of the load than not. And I'm not saying we are complaining about that, but I think what we are asking for is fairness in this, because we are willing to do our part. But we feel that sometimes what we do isn't recognized.

Mr. Dellums. Thank you, gentlemen. In your summarized remarks, you anticipated a number of the questions that we have. If we have any additional questions, we would like to submit them to you and ask you to respond for the record.

One such question would be, for example, how much money did the States receive in fiscal year 1985 in the five categories that you identified in your presentation? That would help us tremendously.

Mr. Suiter. With your permission, sir, we will submit all that to your staff on Monday of next week.

Mr. Dellums. Appreciate it.

[The following information was received for the record:]

NATIONAL EMERGENCY MANAGEMENT ASSOCIATION POSITION ON PROPOSED REDUCTIONS IN FY 1986 FOR CIVIL DEFENSE

As emergency management professionals representing state and local governments throughout the nation, we understand and fully support congressional efforts to reduce the national deficit through the reduction of expenditures in government. It is our concern, however, that these efforts not adversely impact upon programs designed to ensure the public safety.

As we understand it, proposed funding for the Federal Emergency Management Agency's (FEMA) programs for state and local governments, which is identified in that portion of the budget as "civil defense", has been earmarked for severe reductions in FY'86. We believe that such an action is shortsighted and that, in the long run, the adverse effects of such cuts will result not only in the expenditure of greater funds in the disaster relief efforts which are sure to follow, but also in unnecessary and unwarranted human suffering.

If deficit reduction is critical to our national concerns, then it is our view that a freeze on overall funding at the FY'85 level may be an acceptable fiscal option. However, even under such an option, there should not be any reduction in those programs which are imperative to the public safety and which directly effect all state and local efforts to protect life and property. To effect cuts in these vitally needed public safety programs would substantially curtail emergency preparedness efforts at all levels of government throughout these United States.

The term "civil defense" is misleading when applied to those programs which pass through funding to state and local governments for their emergency management efforts. Those funds are effectively used at all levels to protect life and property and to train emergency personnel from a variety of public safety disciplines to deal effectively with all of those hazards, man-made and natural, which regularly strike the communities of our nation causing great damage and personal hardship. The maintenance of civil defense funding at 1985 levels will create an adverse impact on our programs; however, it will be the least disruptive alternative when compared to the proposed reductions which have been outlined in the Executive Department's budgetary proposals.

We, the members of the emergency management community, request your support in maintaining "civil defense" funding at no less than the levels of federal fiscal year FY'85, and further, if any reductions are essential to the fiscal process, that we retain intact-with no funding reductions at all-those programs which have the most direct bearing on public safety efforts at the state and local levels. Those programs are:

1. State and Local Emergency Management - Basis for all emergency management programs at state and local levels.

2. Radiological Defense - Basis for population protection from all radioactive hazardous materials concerns at the state and local level.

3. Population Protection - Funds all-hazard planning programs for delivery at the local level.

4. State and Local Direction, Control and Warning - Funding basis for direction and control efforts at state and local levels.

5. Training and Education - Funding for training and exercise programs at state and local levels.

The budget outline on the following page reflects the funding levels for Civil Defense in FY 85, the FEMA proposed budget for FY 86 and the Civil Defense budget for FY 86 as proposed by NEMA.

As you can see, the proposed reductions would have a significant and deleterious effect on our efforts to protect our citizens in every state and locality in the nation. Therefore, although it may be necessary to provide some reductions across-the-board in those emergency management programs conducted by the Federal Emergency Management Agency, the above programs outlined in category I must not be reduced below FY '85 levels. To do so will have an unnecessarily severe effect on state and local capability to deal with those vital issues imperative to public safety.

It is our position that any further required cuts should be achieved through adjustments in other FEMA programs and/or by reducing FEMA program management costs. By granting a greater degree of flexibility to state and local emergency managers in the use of assigned funds, significant savings could be achieved in administrative overhead expenses which could then be applied to program delivery at the state and local levels.

We appreciate your consideration and support of this vital public safety concern.

FEDERAL SUPPORT FOR COMPREHENSIVE EMERGENCY MANAGEMENT
(CIVIL DEFENSE PORTION OF FEMA BUDGET; NEMA FY 86 RECOMMENDATION)

Program Category	FY 85 Current Estimate	FY 86 FEMA Proposed	% Reduction	FY 86 NEMA Recommendation
I. Programs Critical to State and Local Government Public Safety				
A. State and Local Emergency Management	58,800	51,300	13	58,800
B. Radiological Defense	10,274	6,274	39	10,274
C. Population Protection	12,948	6,148	53	12,948
D. State and Local Direction, Control and Warning	12,056	681	94	12,056
E. Training and Education	14,918	8,528	43	14,918
SUBTOTAL	108,996	72,931	33	108,996
II. Other Civil Defense Appropriation Categories				
A. Protection of Industrial Capability	1,500	-0-	100	-0-
B. Research	2,287	487	79	487
C. Telecommunications and Warning	32,339	15,900	51	24,524
III. FEMA Salaries and Expenses	32,832	29,807	9	29,807
TOTAL	177,954	119,125	33	163,814 (7.9% reduction)

IMPACT OF PROPOSED FY 86 CIVIL DEFENSE BUDGET ON STATE AND LOCAL PROGRAMS

The proposed $119 million Civil Defense budget, which represents a 33 percent reduction from FY 85, would result in a loss of State and local emergency management personnel in all program areas. All states would be affected. a questionnaire was distributed among all state directors of emergency management to determine the nature and scope of the impact of the Administration's proposed FY 86 Civil Defense budget. For purposes of the survey, it was assumed that employees could work in more than one program and be paid from those programs in fractions as funds were available and in proportion to negotiated workload. In other words, if an employee was qualified for two or more positions (PPP and RI/M&C) then the employee could be paid with funds from both programs. The following is a brief description of the programs that are essential to state and local public safety and the impact of the proposed budget reductions on emergency management operations at the State and local level.

Emergency Management Assistance (EMA) - The program that provides matching funds to support State and local emergency management programs, including personnel and administrative costs, EMA serves as the foundation for State and local programs throughout the nation.

Assuming a 12 percent reduction from FY 85 allocations for EMA, the states would experience a 10 percent reduction in positions and local governments would experience a 12 percent reduction. In many instances, counties would no longer be able to staff the disaster coordinator position due to a lack of EMA funds.

Radiological Defense Program (RADEF) - A 100 percent federally funded program, RADEF provides technical planning assistance to state and local agencies to prepare for and respond to incidents involving radiological hazards. Funds are also used to maintain and calibrate thousands of radiological instruments that are used in responding to radiological accidents.

Assuming a 57 percent reduction in Radiological Preparedness Planning and a 32 percent reduction in Radiological Instrument Maintenance and Calibration, as proposed in the FY 86 Civil Defense budget, the states would effectively lose the personnel who administer these programs, as reflected in the survey. This is a significant loss in view of our nation's increased vulnerability to radiological accidents. Sensitive instrumentation would rapidly deteriorate unless maintained and calibrated on a regular basis.

Population Protection Program (PPP) - A 100 percent federally funded program, PPP supports all hazards preparedness planning as set forth in the Integrated Emergency Management System. The PPP is an important link to local government in developing all hazard plans for communities throughout the nation.

The PPP would be substantially weakened by the proposed budget cuts. Assuming a 53 percent reduction, the survey of state directors indicated that approximately one half of all PPP positions would be eliminated. These positions represent an emergency management resource in all states and typically constitute the nucleus of an agency's planning staff.

Facility Survey - Facility survey data provides an essential basis for Population Protection Planning. The surveys identify the physical and architectural characteristics of existing buildings and their capacity to shelter people from multiple hazards.

State directors of emergency management have determined that more than one half of the positions under this program would be eliminated if the proposed FY 86 budget was adopted.

Training and Education - Emergency management is a dynamic field and a comprehensive, up to date training and education program is essential to state and local programs if they are to be responsive to a broad range of natural, technological and man-made hazards. Through the years, emergency management training has brought the entire emergency response community together - law enforcement, fire, public works, medical - and in the process has brought greater coordination and efficiency to total response efforts.

The proposed 43 percent reduction in funding for the Training and Education Program would result in the elimination of the Exercise Training Officer position on most state staffs. The loss of this important training position, coupled with the OMB directive to eliminate the student stipend for the National Emergency Management Institute would undermine training programs across the nation. In addition to providing adequate funding to support a comprehensive Training and Education Program, it is vitally important that Congress amend legislation to reverse the OMB directive.

State and Local Directors, Control and Warning - Funds in this category support two major activities, Warning and Communications Systems and Emergency Operations Centers (EOC's).

The proposed reduction (94 percent) in funds for these programs would seriously jeopardize the maintenance and servicing of existing warning and communications systems and would preclude expansion of warning and communications systems across the nation. These systems, together with the EOC's, are essential to the protection of life and property in the event of a disaster or emergency.

Implications of Transition to 50-50 Funding Match - The proposal to transition those programs that are currently 100 percent federally funded to a 50-50 match in FY 86 would create an immediate hardship on the states, particularly in the PPP Program. Under the proposal, all states will be given the option to either fund one half of the current staff at the 100 percent level or all of the current staff positions of these programs at 50 percent of the FY 85 level, which would require additional state dollars. It is too late for the states to take the latter option (50 percent matching funding) due to state budgeting cycles. This action would require at least twenty-four months transition time if the state budget authorities would even agree to such funding proposals. Therefore, sufficient lead time is necessary to study the implications of this proposal on State emergency management programs.

NEMA's Position on Proposed Reductions to Civil Defense

NEMA has worked closely with a number of government agencies and professional associations that share a concern over the federal deficit, yet who also recognize the need to maintain a State and local emergency management program infrastructure that is adequately supported with federal funds. In particular, NEMA has received considerable support and cooperation from the National Governors Association (NGA), the National Association of County Organizations (NACO), the National Coordinating Council on Emergency Management (NCCEM), U.S. Joint Fire Council and the American Red Cross. The concerns of these organizations are reflected in NEMA's position on the proposed reductions to the FY 86 Civil Defense Budget, as outlined below.

1. The President and the Congress are urged to maintain appropriations for emergency management programs under the Civil Defense Appropriations at a level not less than the $181.4 million appropriated for FY 85.

2. NEMA supports legislation that specifically identifies funding levels to be passed through to State and local governments, and furthermore that the funding levels for FY 86 should not be lower than FY 85 levels.

3. NEMA specifically supports a proposal to maintain the following programs at FY 85 funding levels: State and Local Emergency Management, Radiological Defense, Population Protection, State and Local Direction, Control and Warning, and Training and Education. These programs are considered to be **essential** to ensuring public safety through the integrated emergency management system.

4. NEMA, in cooperation with the NGA, NACO, and NCCEM will cooperate with the Congress in a study during FY 86 of changes which might be appropriate in program structure, funding formulas, and procedures for administration of federal assistance to states.

5. NEMA proposes that Congress amend legislation to reverse the OMB directive to eliminate the state stipend for the National Emergency Management Institute and the National Fire Academy. There is a consensus among the emergency management community that an elimination of the student stipend would significantly, if not dramatically reduce the enrollment at the national training facilities.

Conclusion

Significant, measurable progress has been made since the creation of FEMA in developing a comprehensive emergency management program at all levels of government that is responsive to our nation's increased vulnerability to natural and man-made hazards. Under the Integrated Emergency Management System, State and local governments have been able to assess their capability to effectively respond to a spectrum of emergencies and to develop realistic plans to maintain and to eventually upgrade their emergency management capability.

The proposals that are outlined in the paper are guided by two fundamental and interrelated factors: 1) that a freeze in Civil Defense funding at the FY 85 level is a prerequisite to maintaining our current national civil preparedness capability; and 2) that a reduction in funds from FY 85 levels, particularly in those programs which are essential to public safety, would inevitably result in unnecessary and unwarranted human suffering.

IMPACT OF PROPOSED FY 86 BUDGET ON PROGRAMS CRITICAL TO STATE AND LOCAL PUBLIC SAFETY

Program:	Emergency Management Assistance (EMA)
FY 85:	$58.3 million
FY 86:	$51.3 million
Reduction:	13 percent

	State Positions in FY 85	Positions Eliminated in FY 86	Local Gov't Positions in FY 85	Positions Eliminated in FY 86
Region I				
Connecticut	28	4	42	5
Maine	10	1	140	90
Massachusetts	80	10	110	22
N. Hampshire	13	2	8	1
Rhode Island	10	2	12	5
Vermont	6	1	8	8
Region II				
New Jersey	27	2	154	11
New York	51	7	234	23
Puerto Rico				
Virgin Islands				
Region III				
Delaware	16	1	12	0
D.C.	34	5	NA	NA
Maryland	30	0	57	3
Pennsylvania	81	21	153	42
Virginia	39	5	174	[illegible]
W. Virginia	11	0	44	[illegible]
Region IV				
Alabama	22	4	147	[illegible]
Florida	[illegible]	4	136	[illegible]
Georgia	46	10	[illegible]	[illegible]
Kentucky	NA	NA	NA	[illegible]
Mississippi	19	2	[illegible]	[illegible]
N. Carolina	25	3	[illegible]	37
S. Carolina	15	2	[illegible]	4
Tennessee	[illegible]	1	[illegible]	26

	State Positions in FY 85	Positions Eliminated in FY 86	Local Gov't Positions in FY 85	Positions Eliminated in FY 86
Region V				
Illinois	43	1	*256	
Indiana	12	0	154	0
Michigan	17	0	137	17
Minnesota	22	0	209	31
Ohio	29	1	172	21
Wisconsin	32	4	92	10
Region VI				
Arkansas	27	3	80	10
Louisiana	34	6	92	64
New Mexico	3	1	32	14
Oklahoma	15.5	0	54.5	3
Texas	38	2	223	22
Region VII				
Iowa	8.5	0	67	0
Kansas	8.5	1	*97	*11
Missouri	19	2	122	12
Nebraska	14	0	32	0
Region VIII				
Colorado	9	0	62	5
Montana	12	2	67	10
N. Dakota	11	1	53	4
S. Dakota	10	0	40	15
Utah	11	4	[illegible]8	*9
Wyoming	6.5	1	43	8
Region IX				
Arizona	13	1.5	20	2.5
California	59	7	280	NA
Hawaii	13	0	19	5
Nevada	5	0	NA	2
Region X				
Alaska	17	1	7	1
Idaho	9	1	41	NA
Oregon	7	0	36	4
Washington	13.5	2	109	20
TOTAL	1134.5	123.5	4850.5	632.5

*Includes part time employees
NA - Not Available

IMPACT OF PROPOSED FY 86 BUDGET ON STATE STAFFING LEVELS

	State Employees in FY 85	Positions Eliminated in FY 86	Percentage Reduction
Region I			
Connecticut	40	11	27
Maine	19.5	5	25
Massachusetts	59	22	37
N. Hampshire	21	8	38
Rhode Island	20	9	45
Vermont	13	5	38
Region II			
New Jersey	39	9	23
New York	79	28	35
Region III			
Delaware	22	4	18
D.C.	38	8	21
Maryland	35	3	8
Pennsylvania	95	30	31
Virginia	52	12	23
W. Virginia	20	5	25
Region IV			
Alabama	33.5	11	33
Florida	47	18	38
Georgia	58	19	32
Kentucky	NA	NA	NA
Mississippi	31.5	9	28
N. Carolina	40.5	9	22
S. Carolina	26.5	9	34
Tennessee	81	5.5	7
Region V			
Illinois	53	7.5	14
Indiana	26	3	12
Michigan	30	5	16
Minnesota	34.5	3	9
Ohio	56	20	35
Wisconsin	47.5	7	14

	State Employees in FY 85	Positions Eliminated in FY 86	Percentage Reduction
Region VI			
Arkansas	42	11	26
Louisiana	48	20	41
New Mexico	10	7	70
Oklahoma	25	6.5	26
Texas	61	17	28
Region VII			
Iowa	22	9.5	43
Kansas	20.5	8	39
Missouri	33.5	10.5	31
Nebraska	24	7	29
Region VIII			
Colorado	23	7	30
Montana	20	5.5	27
N. Dakota	20	7	35
S. Dakota	18	6	33
Utah	17	7	41
Wyoming	17	7	41
Region IX			
Arizona	28	9.5	34
California	87	13	15
Hawaii	24	4	16
Nevada	12	3	25
Region X			
Alaska	22	4	16
Washington	24	8.5	35
Oregon	16	4	25
Idaho	19	6	31
TOTAL	1,750	464	26.5

IMPACT OF FY 86 CIVIL DEFENSE BUDGET BY PROGRAM AREA

Program	State Employees in FY 85	Positions Eliminated in FY 86	Percentage Reduction
Emergency Management Assistance	1154.5	128.5	11
Radiological Defense	204.5	107	52
Population Protection Program	327.5	175.5	53
Training and Education	63.5	53	83
TOTAL	1750	464	26.5

NEMA's Position on Proposed Reductions to Civil Defense

NEMA has worked closely with a number of government agencies and professional associations that share a concern over the federal deficit, yet who also recognize the need to maintain a State and local emergency management program infrastructure that is adequately supported with federal funds. In particular, NEMA has received considerable support and cooperation from the National Governors Association (NGA), the National Association of County Organizations (NACO), the National Coordinating Council on Emergency Management (NCCEM), U.S. Joint Fire Council and the American Red Cross. The concerns of these organizations are reflected in NEMA's position on the proposed reductions to the FY 86 Civil Defense Budget, as outlined below.

1. The President and the Congress are urged to maintain appropriations for emergency management programs under the Civil Defense Appropriations at a level not less than the $181.4 million appropriated for FY 85.

2. NEMA supports legislation that specifically identifies funding levels to be passed through to State and local governments, and furthermore that the funding levels for FY 86 should not be lower than FY 85 levels.

3. NEMA specifically supports a proposal to maintain the following programs at FY 85 funding levels: State and Local Emergency Management, Radiological Defense, Population Protection, State and Local Direction, Control and

Warning, and Training and Education. These programs are considered to be **essential** to ensuring public safety through the integrated emergency management system.

4. NEMA, in cooperation with the NGA, NACO, and NCCEM will cooperate with the Congress in a study during FY 86 of changes which might be appropriate in program structure, funding formulas, and procedures for administration of federal assistance to states.

5. NEMA proposes that Congress amend legislation to reverse the OMB directive to eliminate the state stipend for the National Emergency Management Institute and the National Fire Academy. There is a consensus among the emergency management community that an elimination of the student stipend would significantly, if not dramatically reduce the enrollment at the national training facilities.

Conclusion

Significant, measurable progress has been made since the creation of FEMA in developing a comprehensive emergency management program at all levels of government that is responsive to our nation's increased vulnerability to natural and man-made hazards. Under the Integrated Emergency Management System, State and local governments have been able to assess their capability to effectively respond to a spectrum of emergencies and to develop realistic plans to maintain and to eventually upgrade their emergency management capability.

The proposals that are outlined in the paper are guided by two fundamental and interrelated factors: 1) that a freeze in Civil Defense funding at the FY 85 level is a prerequisite to maintaining our current national civil preparedness capability; and 2) that a reduction in funds from FY 85 levels, particularly in those programs which are essential to public safety, would inevitably result in unnecessary and unwarranted human suffering.

Mr. **Suiter**. May I make one other comment, sir?

Mr. **Dellums**. Please do.

SURPLUS FUNDS AT THE STATE LEVEL

Mr. **Suiter**. Someone commented earlier about the surplus of funds at the State level. You perhaps noticed in the Washington Post here about a week ago, our Governor even challenged the President on that particular issue. There are some surpluses as specifically in our State depending on whose accounting system you are listening to, somewhere between $74 million and $135 million.

We can't print our own money in our State, as you are well aware of, that run our State about 36 hours, assuming at the $135 million level. And it just takes a lot of money to run a State government. We have to have, at the State government level, a rainy day fund, so to speak, to maintain those.

But the issue of whether or not in many States they have surpluses or not is not a valid argument in this particular case. I think the Governor has very clearly told that to the President last week, and I just want to support what my governor, the incoming chairman of the National Governors' Association, has said in this particular program also.

Mr. **Dellums**. Thank you very much.

That concludes the questions of the Chair.

The gentleman from New York.

Mr. **Martin**. Just very briefly. I just want to make the observation, if I could, Mr. Chairman, our ranking member from Colorado was pointing earlier to the fact that perhaps some spokesman articulate the problem what was necessary. And given the gentleman's acceptance and support by the Legislature of the State of Tennessee, perhaps the gentleman was looking for was in the room all the time. I only hope that some other States will be able to follow through the support that they receive in Tennessee.

You know, I succeeded in part—Don Mitchell of New York, who was a very strong supporter, obviously, of this program—and I have been since I have been on this committee, and it certainly, quite frankly, isn't because of the political support that engenders, it's because I really feel it.

But given all of that and understanding you are talking to a strong supporter of the program, we have here a budget last year of $181 million and we have FEMA coming in and asking for $119 million. We have a slight problem, government overall, we are a few shekels behind, and running a deficit, perhaps most people have heard of that problem. And it's a big problem.

But it's going to be awful difficult to freeze it at that level of $181 million and get it back to that level when the administrator's coming in and asking for a 30 percent reduction—there are a lot of people that would be happy to provide that—or 100 percent reduction, as you know as well.

What I'm asking and this is a very practical question. That assuming that it's going to be less than $181 million, and assuming an opportunity of being above $119 million, I would hope that when your State association meets over the weekend, the association of States, that you try to prioritize where those moneys would be spent if, indeed, you were to end up with something more than $119 million but less than $181 million, so you can give the supporters a fair fighting chance of trying to do, make increases above the proposal where it's going to have the most significant impact back there in the States and the people who are doing the heavy lifting.

That's a very practical question. If you could give that to the committee and myself, I know we would all appreciate it so we would understand where if we are going to get an incremental increase, where do we want to have that directed to, given that we're probably not going to receive the direction from FEMA.

PRIORITIZATION OF FUNDS

Mr. **Suiter**. We appreciate that opportunity to do so, Mr. Martin. We had already made plans to do that. We have asked the Federal Emergency Management Agency to participate with us in day-long sessions. On Sunday night, we will be analyzing that. We have already prepared three separate budgets, everywhere from $131.6 million to $155.4 million to $181.4 million with $109.6 million in the base for the State and local government levels. We are preparing those budget alternatives for you. Obviously, we want to add in the telecommunications and warning in the $30.7 million that it takes to operate the Federal Government. We will do that.

Mr. **Martin**. I understand coming from a friend of the program, it's not going to necessarily carry the day with $181 million or disaster argument. And among us, if we could have those gradations, we will see what we can do.

Thank you very much, very impressive testimony.

Mr. **Suiter**. Thank you, sir.

Mr. **Dellums**. The Chair would like to thank the gentlemen.

In my closing remarks, we on this subcommittee are making no effort to be cavalier about this issue. We hear what you are saying very loudly and very clearly.

One of the reasons why we are asking you for the information with respect to how much money the States received in fiscal year 1985 in the five categories is very purposeful.

No. 1, we want to find out whether this cut is applied fairly and whether the Feds have taken their fair share of the cut, or whether or not this cut has come out of the 50-50 approach to the States. And if that's the case, then it seems to me that would not be fair and want to make sure that the Feds have taken their appropriate cut.

Finally, in looking at that data, we want to determine whether or not the States can be fully funded with a different approach to handling these cuts. So I think that the answer to those questions lie in looking at how the funds have been allocated across those five categories.

Mr. **Suiter**. We will be most appreciative of the opportunity to participate with you in that process and will provide the information by 10 o'clock next Monday morning.

Mr. **Dellums**. Thank you, we appreciate it.

[The following additional prepared statements were received for the record:]

TACDA

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March 4, 1985

The Honorable Ronald Dellums
Chairman
Subcommittee on Military Installations and Facilities
House Armed Services Committee
Washington, D.C. 20515

Dear Congressman Dellums:

Attached is my prepared testimony for the hearings scheduled to take place this Wednesday, March 6, regarding authorization for the FY86 civil defense budget.

In brief, the position of the American Civil Defense Association is that civil defense is a moral imperative, a legal obligation, and a strategic necessity. The United States government must be thoroughly committed to protecting its citizens against hazards of all kinds, including the ultimate tragedy of nuclear attack.

Eugene P. Wigner, the Nobel laureate physicist who sits with me on TACDA's board of directors, expressed the purpose of civil defense well: "A world in which neither of two opponents can destroy the other is much, much more stable than one in which each can destroy the other."

Attempts to slash the civil defense budget, whether initiated by the Congress or by Executive Branch agencies, are deplorable. In this statement I make clear TACDA's wish that the civil defense budget be maintained at FY85 levels of $181 million, although a higher level of funding would be more desirable.

Thank you for this opportunity to present our views to the subcommittee.

Respectfully yours,

Richard E. Sincere

Richard E. Sincere, Jr.
Vice President

cc: The Honorable Ken Kramer
Ranking Minority Member

Since 1962, an incorporated non-profit organization advocating "Peace Through Preparedness"

Civil Defense Is A Moral Imperative

Testimony Prepared for the Subcommittee on Military Installations and Facilities
of the House Armed Services Committee
by Richard E. Sincere, Jr.
Vice President, The American Civil Defense Association
Washington, D.C. — 6 March 1985

Mr. Chairman, Mr. Kramer, and members of the subcommittee, my name is Richard Sincere and I am a vice president of the American Civil Defense Association (TACDA), a non-profit, nationwide, educational organization.

In a telegram to TACDA's annual meeting last November, President Ronald Reagan wrote: "My administration firmly believes that the purpose of our country's defense capability should be to protect the lives and property of the American people. . . [but] a great deal remains to be done to enhance the adequacy of our civil defense posture." Last month the President specifically noted in his State of the Union Message that the need for an enhanced civil defense program continues to be unmet.

Ironically, the President's own Office of Management and Budget has submitted a proposal for funding civil defense programs that is woefully inadequate. We can say, without exaggeration, that OMB's proposed budget is devastating, its ramifications vast. After 1986, given this sparse budget of only $119.1 million, there will be no meaningful civil defense protection for American citizens.

Civil defense is necessary because it will save the lives of millions of people who would be the victims of nuclear attack. The accompanying charts (Exhibits A and B) indicate how civil defense spending has fallen precipitously over the past two decades, at the same time as the need for improving our civil defense posture has grown. At its peak year of 1962, when civil defense funding amounted to $800 million (1977 dollars), the possibility of saving lives through civil defense was low. This was because nuclear weapons of that era were large and dirty and fit almost exclusively for targeting cities. Yet even then, President John F. Kennedy expressed the basic belief that human beings have a responsibility to preserve human life whenever possible. In June 1961 he said: "To recognize the possibilities of nuclear war in the missile age, without our citizens knowing what they should do or where they should go if bombs fall, would be a failure of responsibility."

Today, with the advance of nuclear weapons technology that has made targeting more accurate and missiles more precise, civil defense can be more effective than ever before. Our major concern should be protecting people against the hazards of nuclear fallout (produced by exploding warheads on military targets and drifting over populated areas), removing citizens from potential target areas (large industrial cities, communications centers, and air force bases, for instance), and stockpiling food, fuel, medicines, and other essential goods for use during and after a nuclear conflict.

Yet the proposed civil defense budget does none of these things. Because of the 40 per cent cuts we have before us, we face the following consequences:

†The annual shelter survey, which has taken place since 1963, will be eliminated. This means potential fallout and blast shelters cannot be identified, marked, and used in planning.

†Evacuation planning specific to nuclear attack is being shelved. Some 100 professional emergency planners will have to be fired or moved to positions unrelated to crisis relocation planning.

†There is no money in the budget for upgrading shelters.

†There is no money for improving state and local emergency operations centers (EOCs), which are vital for controlling both war-related and natural crises.

†There is no money for the Emergency Broadcast System, the only means the government has to communicate with American citizens during a national emergency.

†There is no money for hardening electrical and communications equipment against electro-magnetic pulse (EMP).

†Money for maintaining and repairing radiation-detection instruments has been eliminated. Some of these instruments have been in the field for twenty years or more. No funds are in the budget to replace them if they wear out or are broken. (140 maintenance workers will be cut from their jobs.)

†Radiological-defense officers (RDOs, or RADEF officers) will be paid with state matching funds, if they can be found. The budget for RADEF has been cut from $3 million to $1.2 million.

†Research on civil defense has been eliminated. Training and education has been cut back significantly. Warning system purchases will be cut off, and the improvements made in these systems over the past two years will stop (and perhaps regress).

†The Industrial Protection Program has been eliminated.

†There will be no stocking of shelters with supplies or marking them so citizens know where to go for protection.

Elimination of these specific programs, the net effect of which is the demise of efforts to protect American citizens against enemy attack, subverts the moral and legal requirements for civil defense. These requirements have been acknowledged by the President and Congress since the dawn of the nuclear age.

The distinguished Catholic philosopher and historian Frederick Copleston, S.J., has reduced the moral principle to its essence: "It clearly is not a government's job to render defenseless those whom it is committed to defend." Theologian John Courtney Murray pointed out: "It is folly not to foresee that the United States may be laid in ruins by a nuclear attack; the folly is compounded by a decision not to spend any money on planning what to do after that not impossible event."

A commitment to civil defense manifests the highest human virtues. Indeed, for the medical profession it manifests the most fundamental ethical imperatives. As Howard Maccabee, president of Doctors for Disaster Preparedness, pointed out in congressional testimony in 1983, every code of medical ethics requires physicians to render aid to victims of disasters. The International Code of Medical Ethics, for instance, says that "a doctor must give emergency care as a humanitarian duty unless he is assured that others are willing and able to give such care." But, Dr. Maccabee noted, "it is not possible to give emergency medical care to the victims of any disaster unless some preparations have been made."

Without the proper funding, the moral obligation of civil defense cannot be met.

Moreover, the subversion of civil defense's legal requirement can be seen in the following analysis. A serious commitment to civil defense proceeds from the U.S. Constitution and statute law and also from international agreements to which the United States adheres.

The preamble to the Constitution states that one purpose of the U. S. government is "to provide for the common defense." To lessen our vulnerability to enemy attack, Congress in 1950 declared its policy and intent "to provide a plan of civil defense for the protection of life and property in the United States from attack." Amendments to the 1950 Civil Defense Act were passed in 1980 at the urging of the Carter administration. The "sense of Congress" in those amendments declared that the civil defense of the United States should be improved, through some form of relocation if necessary, and further declared that "an improved civil defense program should be implemented which—

> (1) enhances the survivability of the American people and its leadership in the event of nuclear war and thereby improves the basis

> for eventual recovery and reduces the Nation's vulnerability to a major attack;
>
> (2) enhances deterrence, contributes to perceptions of the United States-Soviet strategic balance and crisis stability, and reduces the possibility that the United States might be susceptible to coercion by an enemy in times of increased tension.

Furthermore, many Americans may be surprised to learn, according to the 1977 Protocols to the Geneva Conventions of 1949, our government and 64 others are committed to using peaceful means to protect innocent people from enemy weapons.

Article 51 of Protocol I states clearly that "the civilian population and individual civilians shall enjoy general protection against dangers arising from military operations." Article 58 enjoins the contracting parties to "endeavour to remove the civilian population, individual civilians and civilian objects under their control from the vicinity of military objectives; . . . [and] take the other necessary precautions to protect the civilian population, individual civilians and civilian objects under their control against the dangers resulting from military operations."

The Geneva Conventions make clear that the United States is obligated, under international law and the rules of war, to provide civil defense for its population, not only through relocation preparations, but through in-place sheltering and the provision of food, water, and medical supplies.

Many prominent Americans have submitted their opinion that civil defense is vital to American interests. Former Governor James B. Hunt of North Carolina, for instance, wrote last year: "While a nuclear attack may not be imminent, I agree that we must be prepared for the terrible consequences such an attack could cause" [TACDA Alert, March 1984]. Former Governor John Spellman of Washington made a compelling case for civil defense in a message to that state's legislature:

> The state of Washington is responsible for the protection of the lives and property of its citizens. . . Although a nuclear attack would be a nightmare, one which would make all other calamities man has suffered seem small, state government is obligated to save as many lives as possible, and it is immoral to prevent government from doing all that it can to save lives and reduce suffering. . . Although there may be little that government can do, it cannot stand by and watch citizens suffer if there are state resources that can be used to provide them some relief.
>
> . . . no one can guarantee that our entire population will be lost in an attack. As long as any of our citizens remain alive, they are entitled to the protection and services of the state. If at all possible, food, water, relief from pain, and shelter must be provided to those in need.

Senator Alfonse M. D'Amato of New York states: "We are at least thirty years behind schedule in our civil defense efforts." He continued: "While a general nuclear war should never be fought and cannot be won, in the unlikely event that our deterrent fails and our worst nightmares come true, our civil defense efforts are the foundation upon which the survival of our nation must rest. We can save lives and reduce damage" [Journal of Civil Defense, October 1984]. His colleague, Senator Steve Symms of Idaho, said: "I remain a strong advocate of civil defense as an active defense for the homeland against nuclear attack."

Actor Lorne Greene, in an address to the American Civil Defense Association in 1983, stated: "To maintain deterrence without civil defense is an exercise in self-deception. . . Having played the part of Ben Cartwright for so long, some of his virtues have rubbed off on me. Ben, I think, would have been a firm believer in civil defense, and he would wonder why so many people remain unconvinced of its value."

Despite the questions in the minds of many people, there is a strong constituency for civil defense all across the nation. The vast majority of Americans believe in the value of civil defense. Public opinion polls have consistently shown the American people support an expanded civil defense effort. A poll taken in August 1982 by Sindlinger and Company revealed that 81 per cent of the American public believes the U.S. government "has a responsibility to provide an effective program of civil defense for all its citizens." A Gallup poll of October 1982 found that a majority, 54 per cent, of those surveyed approved President Reagan's proposal for an increase in civil defense spending. Only 29 per cent disapproved. More important, 60 per cent said they would cooperate with government officials during an international crisis in carrying out civil defense plans. Finally, more than half of those interviewed agreed that civil defense planning could be helpful in saving lives during other disasters. With public support like this, it would directly contradict the will of the American people for Congress (or the Executive) to fail to strengthen civil defense.

The public opinion data indicate an innate sense on the part of the American people to accept these propositions:

Civil defense is a moral imperative because allowing the innocent to die is murder.

Civil defense is a political obligation because the United States is bound by its constitution, by statute law, and by international treaty to provide defense and protection for its citizens.

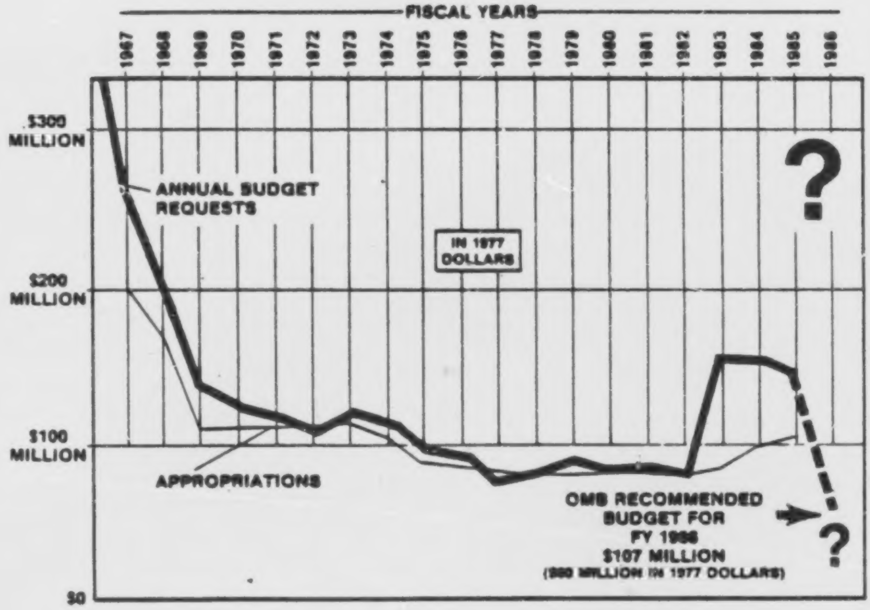
Civil defense is a strategic necessity because it will increase the perceptions by the Soviet Union of a secure United States, a stable international system, and a potential challenge to Communist hegemony, thus helping to deter nuclear war.

President Ronald Reagan asked Americans on March 23, 1983, "Wouldn't it be better to save lives than to avenge them?" A commitment to civil defense is a commitment to save lives and to ameliorate human suffering. If all our best efforts at disarmament, diplomacy, and deterrence fail, civil defense may be the last hope for the survival of a free society.

Mr. Chairman and members of the subcommittee, I respectfully and strongly suggest that the civil defense budget for Fiscal Year 1986 should be no lower than the budget for Fiscal Year 1985, $181 million. The members of the American Civil Defense Association, however, join me in the desire for even more funding, in order to improve, enhance, and strengthen our civil defense programs, rather than merely maintaining them at present levels.

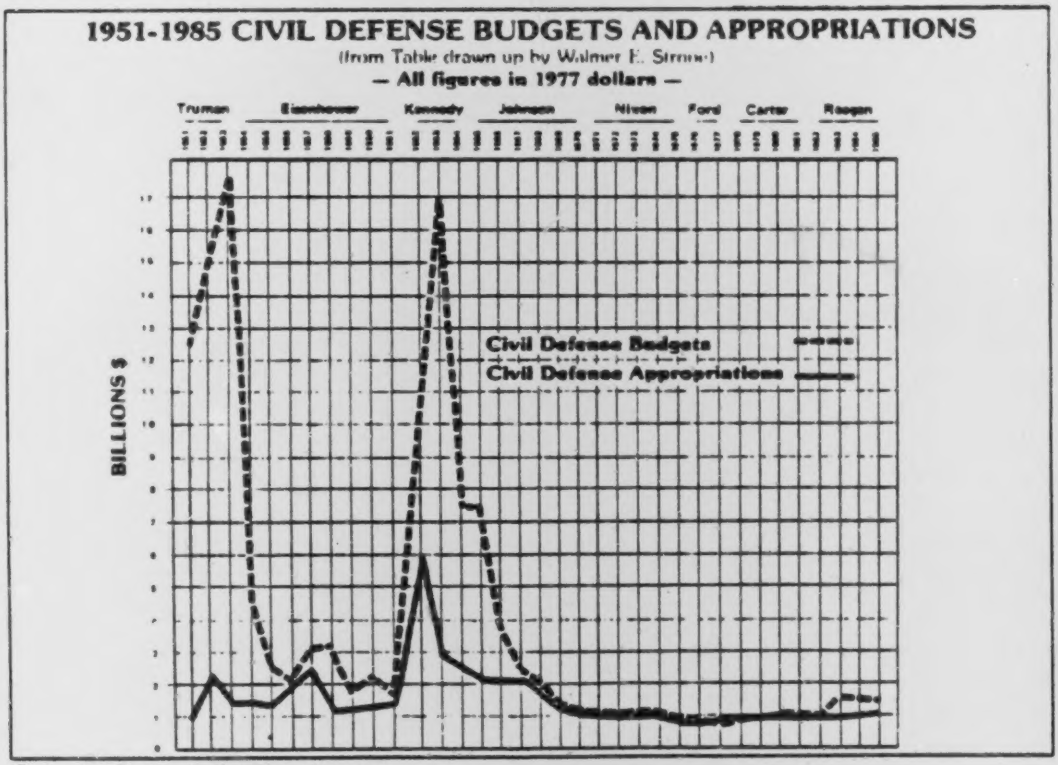
EXHIBIT A

U.S. CIVIL DEFENSE BUDGET REQUESTS
1967-1985 (1986 RECOMMENDATION BY OMB)



(Source: Journal of Civil Defense, February 1985)

EXHIBIT B



1951-1985 CIVIL DEFENSE BUDGETS AND APPROPRIATIONS

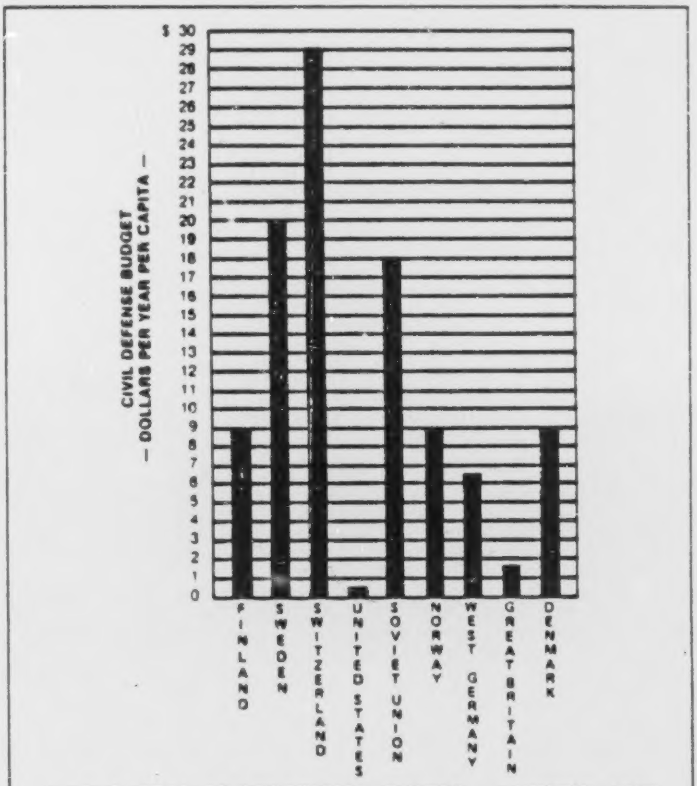
(from Table drawn up by Walmer E. Strope)

— All figures in 1977 dollars —

*Trademark of The American Civil Defense Association.

(Source: TACDA Alert, November 1984)

EXHIBIT C



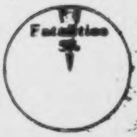
POPULATION PROTECTION — WHERE and WHERE NOT?

(from June 1983 issue of *Journal of Civil Defense*)

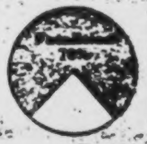
EXHIBIT D

TACDA OBJECTIVE: "PEACE THROUGH PREPAREDNESS"

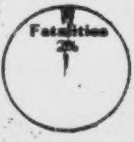
Recognizing the fact that known protective measures can radically lower the casualty count in a nuclear war — and indeed, discourage attack itself — a number of countries alert to the possibilities have invested heavily in homeland defense measures. One of these countries is the Soviet Union. Studies repeatedly show that the USSR, with its civil defense program in effect, would suffer fewer than 5% fatalities in a nuclear attack — less than half those killed during World War II The United States on the other hand, with its preoccupation with social and give-away political programs, has to date failed in its Number One responsibility to defend its citizens. As a result, 170,000,000 Americans — 70% of the population — are earmarked for death in a nuclear attack.



Estimated Nuclear Attack Fatalities In USSR with Civil Defense



Estimated Nuclear Attack Fatalities in USA without Civil Defense



Estimated Nuclear Attack Fatalities in USA with active and passive defense measures in place

This need not be. The better protected America is, in the face of nuclear attack, the fewer Americans will be killed and injured. Much more important, the better protected we are the less likely it is that we will be attacked at all.

This is the real aim of TACDA: Peace. Peace through preparedness. It has worked in the past (while peace conferences, disarmament attempts, etc. have been consistent failures). It can work for America and the Western World today — if we will allow it to do so.

America's future depends on a total awakening to the life-giving opportunities of homeland defense. TACDA needs shoulders to this wheel. Can it count on you?

THE AMERICAN CIVIL DEFENSE ASSOCIATION
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March 6, 1985

Ms. Betty Gray
Subcommittee on Military Installations and Facilities
House Armed Services Committee
Room 2120
Rayburn House Office Building
Washington, D.C. 20515

Dear Ms. Gray:

Thank you for providing me the opportunity to submit a prepared statement favoring increasing the FY86 civil defense budget to the hearing held today. I wish that my oral testimony would have been possible, but I certainly understand the time constraints the subcommittee was working under.

Enclosed are several documents I would like to insert into the record, adjunct to my prepared statement. These are telegrams from Max Klinghoffer, M.D., president of Doctors for Disaster Preparedness; Frank Williams, immediate past president of the American Civil Defense Association; Charles Badley, president of the American Civil Defense Association; Walter Murphey, editor of the Journal of Civil Defense; and Nancy Deale Greene, vice president of the American Civil Defense Association. Also enclosed is an article entitled "Civil defense groups blast cuts," from the March 6, 1985, edition of the Washington Times.

My understanding is that the record of this hearing will be kept open until March 12. In the event that other materials pertinent to this year's budget come to my attention, I will send them to you.

Thank you again for the privilege of participating in the legislative process.

Respectfully yours,

Richard E. Sincere, Jr.
Vice President

Enclosures:

As noted

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The American Civil Defense Association
2209 Fortieth Street, N.W. #3
Washington, D.C. 20007

Since 1962 an incorporated non-profit organization advocating "Peace Through Preparedness"

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11725 5 AVE OCEAN
MARATHON FL 33050 02AM

Western Union Mailgram

4-0138255061 03/02/85 ICS IPMBNGZ CSP WMBB
3057436297 MGMB TDBN MARATHON FL 118 03-02 0100P EST

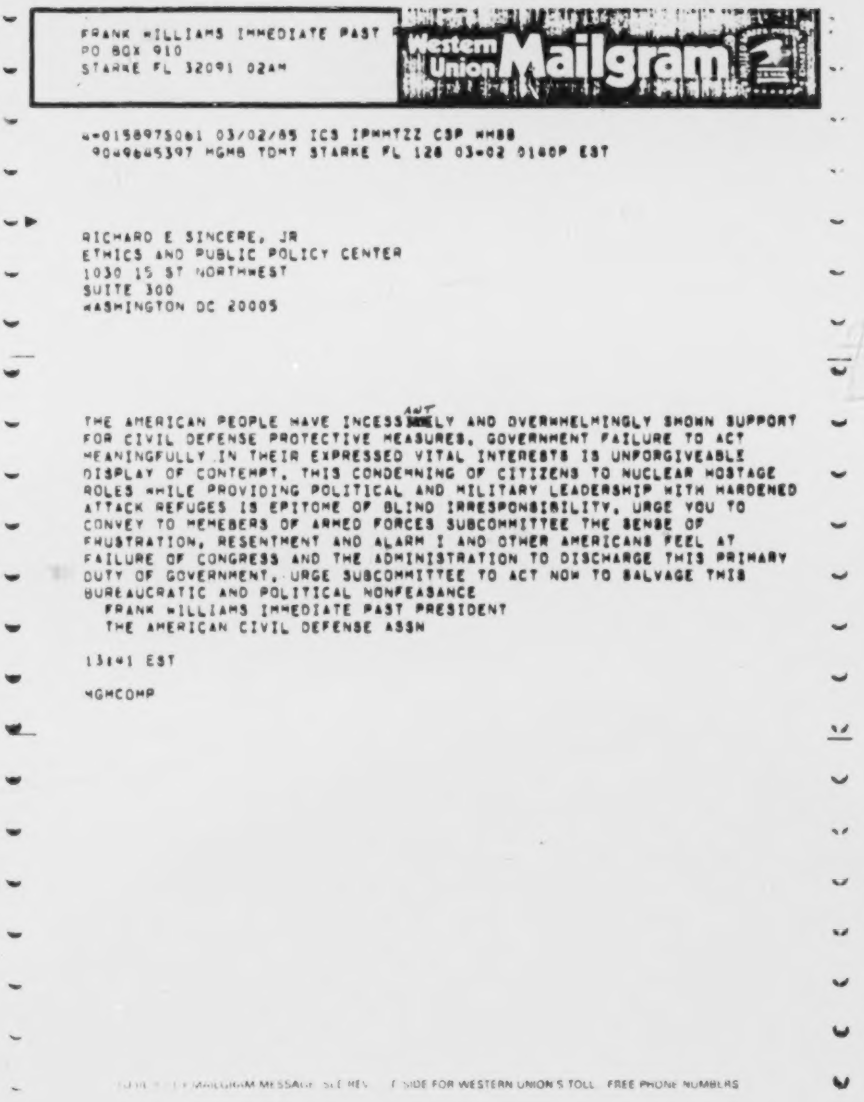
MR RICHARD E SINCERE JR
ETHICS AND PUBLIC POLICY CENTER
1030 15 ST NW
WASHINGTON DC 20005

IT HAS COME TO MY ATTENTION THERE IS A DANGER THE CIVIL DEFENSE BUDGET MAY BE DECREASED, THIS AT A TIME WHEN INCREASED COMMITTMENT IS VITAL. IGNORING FOR THE MOMENT THE THREAT OF MAJOR WAR WE CANNOT IGNORE THE PROBABILITY OF AN ATTACH PLUS SUICIDAL FANATICS THOSE WHO USE CONVENTIONAL EXPLOSIVES IN BEIRUT TWO YEARS AGO SOON WILL HAVE NUCLEAR CAPARILITY FOR THEIR EVEN GREATER GLORY. IN THIS AND OTHER TYPES UF MAJOR DISASTERS THE GREATEST HOPE OF SALVAGE OF LIFE AND ALLEVIATION OF SUFFERING IS A PRACTICAL CIVIL DEFENSE UNDER APPROPRIATE LEADERSHIP.
MAX KLINGHOFFER MD PRESIDENT DOCTORS FOR DISASTER PREPARENESS

13:01 EST

MGMCOMP

TO REPLY BY MAILGRAM MESSAGE, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS



FRANK WILLIAMS IMMEDIATE PAST
PO BOX 910
STARKE FL 32091 02AM

Western Union Mailgram

4-0158975061 03/02/85 ICS IPMMTZZ CSP WHSB
9049645397 MGMB TDMT STARKE FL 128 03-02 0140P EST

RICHARD E SINCERE, JR
ETHICS AND PUBLIC POLICY CENTER
1030 15 ST NORTHWEST
SUITE 300
WASHINGTON DC 20005

THE AMERICAN PEOPLE HAVE INCESSANTLY AND OVERWHELMINGLY SHOWN SUPPORT FOR CIVIL DEFENSE PROTECTIVE MEASURES. GOVERNMENT FAILURE TO ACT MEANINGFULLY IN THEIR EXPRESSED VITAL INTERESTS IS UNFORGIVEABLE DISPLAY OF CONTEMPT. THIS CONDEMNING OF CITIZENS TO NUCLEAR HOSTAGE ROLES WHILE PROVIDING POLITICAL AND MILITARY LEADERSHIP WITH HARDENED ATTACK REFUGES IS EPITOME OF BLIND IRRESPONSIBILITY. URGE YOU TO CONVEY TO MEMEBERS OF ARMED FORCES SUBCOMMITTEE THE SENSE OF FRUSTRATION, RESENTMENT AND ALARM I AND OTHER AMERICANS FEEL AT FAILURE OF CONGRESS AND THE ADMINISTRATION TO DISCHARGE THIS PRIMARY DUTY OF GOVERNMENT. URGE SUBCOMMITTEE TO ACT NOW TO SALVAGE THIS BUREAUCRATIC AND POLITICAL NONFEASANCE

FRANK WILLIAMS IMMEDIATE PAST PRESIDENT
THE AMERICAN CIVIL DEFENSE ASSN

13:41 EST

MGMCOMP

TO REPLY BY MAILGRAM MESSAGE, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

CHARLES L HADLEY PRESIDENT-THE
PO BOX 910
STARKE FL 32091 02AM

Western Union Mailgram

4-0155895061 03/02/85 ICS IPMMTZZ CSP WHSB
9049645397 MGMB TDMT STARKE FL 174 03-02 0136P EST

RICHARD E SINCERE, JR
ETHICS AND PUBLIC POLICY CENTER
1030 15 ST NORTHWEST
SUITE 300
WASHINGTON DC 20005

MESSAGE FOR THE ARMED FORCES SUBCOMMITTEE ON MILITARY INSTALLATIONS AND FACILITIES.

AT A TIME WHEN IN THE INTERESTS OF NATIONAL AND INDIVIDUAL SURVIVAL FUNDS FOR CIVIL DEFENSE SHOULD BE SHARPLY INCREASED OMB HAS PROPOSED THEY BE DRASTICALLY CUT.

YOU ARE URGED TO ANSWER THE EXPRESSED CONVICTIONS OF AMERICANS TO IMPLEMENT BASIC CONSTITUTIONAL GUARANTEES AND TO CONTRIBUTE TO AMERICA'S ABILITY TO RIDE OUT THESE HYPER-CRITICAL TIMES BY ACTIVELY SUPPORTING ADEQUATE FUNDING FOR MEANINGFUL CIVIL DEFENSE MEASURES SIMILAR TO THOSE IN COUNTRIES ALERT TO SURVIVAL PROBLEMS (EG THE SOVIET UNION, SWEDEN, SWITZERLAND, CHINA AND MANY OTHER COUNTRIES) - AND SIMILAR TO THOSE MEASURES PROVIDED UNITED STATES LEADERSHIP ELEMENTS.

PATRIOTISM AND HUMANITARIANISM AND COMMON SENSE DEMAND POPULATION PROTECTIVE MEASURES (ACTIVE AND PASSIVE) AS AN IMMEDIATE AND SUSTAINED #1 PRIORITY.

WITHOUT RESERVE WE HOLD THAT FULL ATTENTION TO NATIONAL SURVIVAL AND COMMUNITY AND FAMILY PROTECTION TAKES PRECEDENCE OVER ALL OTHER MATTERS.

CHARLES L HADLEY PRESIDENT
THE AMERICAN CIVIL DEFENSE ASSN

13:34 EST

MGMCOMP

TO REPLY BY MAILGRAM MESSAGE, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

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RICHARD E SINCERE, JR
ETHICS AND PUBLIC POLICY CENTER
1030 15 ST NORTHWEST
SUITE 300
WASHINGTON DC 20005

OPPORTUNITY NOW EXISTS FOR ARMED FORCES SUBCOMMITTEE TO TAKE FIRST IMPORTANT STEP IN RIGHTING NEGLECT OF AMERICAN HOMELAND DEFENSE: THE RESTORATION OF PROPOSED CIVIL DEFENSE BUDGET CUT. PLEASE CONVEY TO SUBCOMMITTEE THE JOURNAL OF CIVIL DEFENSE CONVICTION THAT PROPOSED CUT BETRAYS THE TRUST OF THE PEOPLE IN GOVERNMENT. EXAMPLE OF PUBLIC PROTECTION MEASURES IN OTHER NATIONS AT RISK AND IN OUR OWN GOVERNMENT AND MILITARY MUST NOW BE IMPLEMENTED FOR EVERY CONGRESSMAN'S FIRST RESPONSIBILITY: HIS CONSTITUENTS. NOTHING LESS CAN GUARANTEE THE SURVIVAL OF OUR COUNTRY AND DEMOCRACY AND KEEP FAITH WITH OUR PEOPLE AND GENERATIONS TO COME.

WALTER MURPHEY EDITOR
JOURNAL OF CIVIL DEFENSE

13:47 EST

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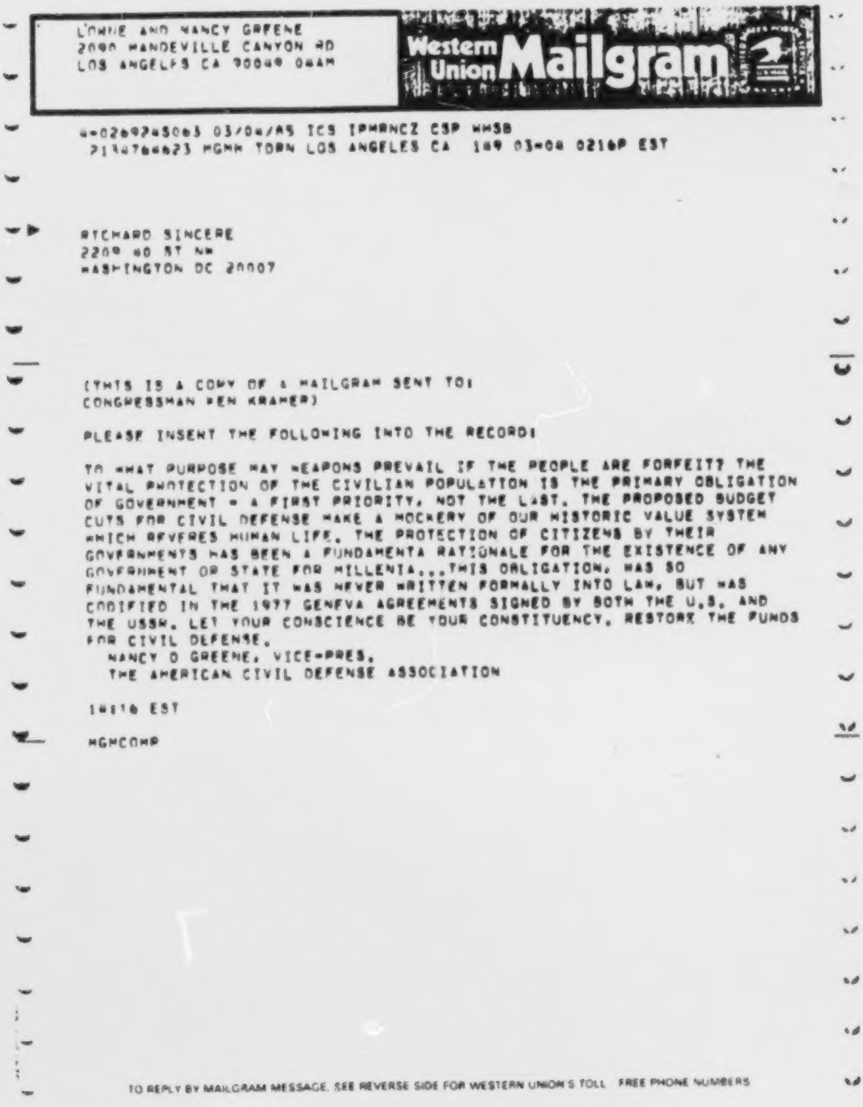

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RICHARD SINCERE
2209 40 ST NW
WASHINGTON DC 20007

(THIS IS A COPY OF A MAILGRAM SENT TO:
CONGRESSMAN KEN KRAMER)

PLEASE INSERT THE FOLLOWING INTO THE RECORD:

TO WHAT PURPOSE MAY WEAPONS PREVAIL IF THE PEOPLE ARE FORFEIT? THE VITAL PROTECTION OF THE CIVILIAN POPULATION IS THE PRIMARY OBLIGATION OF GOVERNMENT - A FIRST PRIORITY, NOT THE LAST. THE PROPOSED BUDGET CUTS FOR CIVIL DEFENSE MAKE A MOCKERY OF OUR HISTORIC VALUE SYSTEM WHICH REVERES HUMAN LIFE. THE PROTECTION OF CITIZENS BY THEIR GOVERNMENTS HAS BEEN A FUNDAMENTA RATIONALE FOR THE EXISTENCE OF ANY GOVERNMENT OR STATE FOR MILLENIA...THIS OBLIGATION, WAS SO FUNDAMENTAL THAT IT WAS NEVER WRITTEN FORMALLY INTO LAW, BUT WAS CODIFIED IN THE 1977 GENEVA AGREEMENTS SIGNED BY BOTH THE U.S. AND THE USSR. LET YOUR CONSCIENCE BE YOUR CONSTITUENCY. RESTORE THE FUNDS FOR CIVIL DEFENSE.
NANCY D GREENE, VICE-PRES.
THE AMERICAN CIVIL DEFENSE ASSOCIATION

1416 EST

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WT 6 Mar 85

Civil defense groups blast cuts

By Walter Andrews
THE WASHINGTON TIMES

Congress will be told today that White House cuts in the civil defense budget shatter President Reagan's promise to protect the civilian population from a nuclear attack.

Officials of three pro-defense groups — The American Civil Defense Association, the American Strategic Defense Association and the American Security Council — will testify that civil defense in the new 1986 budget needs to be equal at least this year's $181 million level.

The Federal Emergency Management Agency, which administers the civil defense effort, acknowledged that budget cuts have forced it to abandon the seven-year, $4.2 billion program announced in 1983. But it denied reports that it had shelved a plan to evacuate people to rural areas in the event of a nuclear war.

Richard Sincere, vice president of 500-member American Civil Defense Association, said that the Office of Management and Budget had cut the original FEMA 1986 request of $345 million to $119 million, which he said will "subvert" the evacuation plan.

He said President Reagan endorsed civil defense in his recent State of the Union address and in a speech to the ACDA last November.

Asked to comment on the reason for the 1986 cut, OMB spokesman Ed Dale referred a reporter to the 1986 budget document which states:

"The administration has decided that, in view of severe fiscal pressures, the civil defense effort should be maintained at this lower [$119 million] level."

In testimony this afternoon and at a press conference this morning, the three groups will call for Congress to raise 1986 funding to at least the 1985 level, Mr. Sincere said.

He noted that the $181 million 1985 appropriation resulted when Congress last year cut the original $252 million request submitted by the Reagan administration.

FEMA chief spokesman Jim Holton confirmed the dollar cut figures, which he said would result in some civil defense personnel being "lopped off," but denied that plans for relocating city populations in the event of a nuclear attack had been abandoned.

"We have not abandoned planning for the possibility of a nuclear war. . . . We have not abandoned relocation."

"We have not abandoned planning for the possibility of a nuclear war. . . . We have not abandoned relocation," the chief spokesman said in a telephone interview. He said relocation plans were being "broadened" to include any kind of disaster such as floods and earthquakes.

Although crisis relocation is not considered the main means of protecting populations in a nuclear war, "it is one that could be quite useful," Mr. Holton said.

Mr. Holton noted that evacuation planning is required by law under a 1980 amendment to the 1950 Civil Defense Act.

On the $4.2 billion for the seven-year civil defense effort, Mr. Holton said, "We no longer have any illusions about getting that."

In his State of the Union address, President Reagan said the Soviets already have "a civil defense system, where we have almost none." Mr. Sincere said no other president had mentioned civil defense in his State of the Union and that this constituted an endorsement by Mr. Reagan.

Mr. Sincere quoted the president as telling the American Civil Defense Association in November, "My administration firmly believes that the purpose of our country's defense capability should be to protect the lives and property of the American people.

". . . A great deal remains to be done to enhance the adequacy of our civil defense posture," Mr. Sincere quoted the president as saying.

Allowing for inflation, the civil defense spokesman said the proposed 1986 funding is the lowest since 1977 when Congress approved $60 million. In 1977 dollars, the 1986 proposal would be $65 million, he said.

Mr. Sincere said the budget cut would result in the elimination of the annual survey of new buildings for shelter space as well as the upgrading of shelters, the improvement of state and local emergency operations centers and money for the emergency broadcast system.

The spokesman said 100 of the existing 205 professional emergency planners also would have to be fired or moved to new jobs. He said FEMA wants the state and local governments to share the cost of paying the planners on a 50-50 basis.

However, Mr. Sincere said state and local governments don't have "the commitment" to civil defense, and he doubted they would be willing to pick up the tab.

Mr. Holton, the FEMA spokesman, said he did not have specific figures on cuts in particular areas.

But, he did say that Mr. Sincere's allegation that there was no money in the 1986 budget for the emergency broadcast system was "not true."

Washington Times, March 6, 1985

PREPARED STATEMENT OF DR. LEON GOURE, DIRECTOR, CENTER FOR SOVIET STUDIES SCIENCE APPLICATIONS INTERNATIONAL CORPORATION

U.S. CIVIL DEFENSE NEEDS TO BE STRENGTHENED

For many years now, U.S. Civil Defense has not received the attention, support, and funding which it needs to effectively deal with peacetime and wartime disasters, that is with the mission which Congress has mandated for it. Yet the potential for and the number of types of possible disasters have, if anything, increased over the years. While heavy responsibility is placed on civil defense to mitigate human losses and damage in disaster situations and to alleviate their consequences, the capabilities of civil defense for doing so effectively have not sufficiently grown to meet its responsibilities.

The peacetime functions of civil defense are generally accepted, although its existence is often forgotten between disasters. The question of the role, utility, and effectiveness of civil defense in war conditions, however, has been a subject of debate in the United States for many years. Critics of this role of civil defense have and continue to design scenarios which, while being of questionable realism, are intended to portray a catastrophy of such a magnitude as to deny any utility to civil defense measures. On the one hand these scenarios anticipate an attack on an unprotected American population which may only leave as few as 10 million survivors. On the other hand, the critics argue that if civil defense measures can significantly reduce losses from the prompt effects and radioactive fallout of nuclear strikes, the majority of the survivors would allegedly perish from hunger and disease. To this bleak picture has been recently added the issue of a possible "Nuclear Winter" which, while fraught with many critical uncertainties, nevertheless in the minds of its more enthusiastic proponents is believed to further demonstrate the lack of utility of wartime civil defense.

Of course, at issue is not the question whether a nuclear attack on the United States or even an act of nuclear terrorism would have disastrous consequences. No one doubts this. The issue is whether appropriate civil defense measures can effectively mitigate human losses and sustain survivors so that our society has a reasonable chance to survive and to recover. At issue is also the question whether the American people should be left totally vulnerable to possible nuclear coercion by a hostile power, which may exploit the asymmetries between U.S. and its own civil defense and other war survival capabilities.

The utility of civil defense for a wide range of war scenarios is demonstrated both by detailed analysis of its effectiveness in greatly reducing population losses from the prompt effects and radioactive fallout in the United States and also by analysis of the probable effectiveness of Soviet civil defense measures in mitigating losses and damage from U.S.

retaliatory strikes. Thus, according to assessments by the U.S. intelligence community, Soviet civil defense measures may reduce the USSR's population losses to 10 to 20 percent and limit collateral damage to the economy, as well as have a good probability of ensuring the survival of the leadership element at all levels, the elite, and essential industrial workers. Unlike in the United States, the utility and importance of civil defense is not questioned in the communist countries—all of which have extensive civil defense programs, but is viewed as an essential and integral part of their defense capability.

Soviet propaganda, aimed primarily at the West, has exploited popular Western "worst-case" scenarios and predictions, as well as the "Nuclear Winter" hypothesis, in order, as Soviet public instructions stated last summer, "to narrow the field of action of the [Western] militaristic forces." At the same time, however, Soviet spokesmen currently acknowledge that despite the propaganda's dire predictions of the consequences of a nuclear war, the Soviet Union continues to build shelters and strengthen its civil defense. They argue that this is so not only because the state has a duty to protect its population, but also because deterrence of aggression and protection of the Soviet Union against it "requires not only armed forces that would stand up to such aggression, but an effective system of civil defense as well."

The Soviet leadership apparently recognizes that problems which may be caused by second order effects of a nuclear war, such as a "Nuclear Winter," are largely of secondary significance unless a major part of the population is able to survive the prompt and fallout effects of nuclear detonations. Given the uncertainties of a "Nuclear Winter" phenomenon, its dependence on attack scenarios, the possibility that it could be of short duration, that its severity is significantly affected by the season of the year in which it may occur, and so on, the Soviets see no reason to devalue the utility of their civil defense preparations. Furthermore, they recognize that appropriate plans and preparations can be made to sustain the survivors during the most difficult post-attack period. The United States has an even better potential than the Soviet Union for doing so.

The bottom line is that according to my own, as well as Swiss and Swedish intelligence estimates, the Soviet Union appears to continue to invest in its civil defense program at an annual rate of some $6 billion in equivalent U.S. costs. It is now completing a new three-year compulsory civil defense instruction program for the general population which, in addition to appropriate skills, is intended to instill in the population "firm confidence in the effectiveness of civil defense measures."

Analysis indicates that the Soviet Union is neither ignoring nor underestimating the potential consequences of a nuclear war. Rather, it is realistic both about the character of the threat and about what can be reasonably done to mitigate it. The Soviet Union has always been concerned with how to enhance prospects for its war survival and has developed appropriate strategies and programs to that effect. It is only in the United States that the idea of efforts to enhance this country's war survival is novel and controversial.

Any civil defense system for peace and war, even if it is only to have a potential for implementing war-protection measures if and when it is directed to do so, must have an effective infrastructure and training programs. Civil defense programs and capabilities require a great deal of time to create and cannot be quickly reconstituted. In recent years, the essential elements of the U.S. program have been barely able to maintain themselves with the authorized funding levels. A major reduction in the civil defense budget—as has been proposed—would emasculate the program and severely damage its laboriously built infrastructure. It would also be extremely damaging to the morale of the organization and its ability to recruit qualified people. While recognizing the need to reduce the federal budget at this time, it seems to me foolhardy to destroy a program and capabilities intended to save our citizens' lives in disaster situations. We spend a great deal more on other lifesaving programs whose value no one questions, even when the hazards have relatively small effects or a low probability of occurring.

I respectfully urge the Committee to consider not reducing the already woefully inadequate level of funding for civil defense in Fiscal Year 1986, but raising it to a level which would permit the U.S. Civil Defense program to effectively implement its humanitarian mission. At a minimum, the civil defense program should continue to be funded at the FY85 level. A strong civil defense program is in the national interest—a fact which has been recognized by Congress and by past as well as the present administration. Surely one cannot place too high a value on American lives which may be thereby preserved.

PREPARED STATEMENT OF DR. ROBERT EHRLICH, PHYSICS DEPARTMENT, GEORGE MASON UNIVERSITY, FAIRFAX, VA

CIVIL DEFENSE DESERVES SUPPORT

Nine

EFFECTIVENESS OF CIVIL DEFENSE

WHY IS IT DIFFICULT TO EXAMINE CIVIL DEFENSE OBJECTIVELY?

The topic of civil defense, always controversial, has generally been regarded by the media as a matter for derision rather than as a topic for serious debate. Why should civil defense, which seems to be nothing but insurance in case deterrence fails, engender such hostility and ridicule? Perhaps civil defense comes less naturally to the United States than to a Soviet society that suffered 20 million dead in World War II and that knows what it means to have its land ravaged by war. Or perhaps some U.S. citizens view civil defense as the government's manipulative way of safeguarding key personnel, while pretending that nuclear war might not be so bad. Also civil defense is a ridiculed topic because of the many psychological associations with "kooky" people and survivalists, with thoughts of food rotting away in fallout shelters, or perhaps images from our childhood of diving under school desks or taking other such seemingly futile measures to avoid what could be near-total destruction.[1]

But civil defense needs to be evaluated for both its advantages and shortcomings in a relatively dispassionate way. As an example of the need to recognize the pros and cons of civil defense issues, let us consider the duck-and-cover drills of the early 1950s, which are now a subject of considerable ridicule. For many people these exercises may have represented a way to reassure young children that they could save themselves from the horror of a nuclear war by taking some simple action, and that no matter what happened the adult world could keep things under control. It is of some importance, however, to recognize also that a duck-and-cover action is not in the same category as a magic chant to keep the bombs away. Children in schools anywhere within the vicinity of a nuclear detonation most certainly could not escape being vaporized by ducking under their school desks. But for children in schools more distant from nuclear detonations, such protective action could make a considerable difference. The most common injury sustained by Hiroshima survivors was laceration from flying glass fragments. Moreover, in a nuclear war today, the danger from flying glass would exist over a much larger area than any other danger for people indoors who would have some protection against burns. A child who dives under a school desk and covers his or her face could significantly reduce the risk and severity of injury from flying glass. Although our image of death in a nuclear war is generally one of instantaneous annihilation, fully half of those killed at Hiroshima took more than six days to die as a result of the injuries they sustained at the time of detonation. Duck-and-cover drills were not as absurd as they might seem to be.

Given the well-documented high level of nuclear anxiety in today's school-age children, there is little danger that such drills, were they to be reinstituted, would be seen as reassurance that nuclear war would not be so bad. I am not arguing here for a return to duck-and-cover drills, only a recognition that they were not nearly as futile as civil defense opponents claim, especially at a time when the size of the nuclear arsenals were much smaller. Contrary to those who believe these drills were a form of false reassurance, I believe their effect today probably would be to further emphasize the horrors of nuclear war. This hypothesis is supported by a comparison of attitudes held by U.S. and Soviet children. Children in both societies overwhelmingly believe that they would not survive a nuclear war. This belief is held by a greater percentage of Soviet than American children, 97 versus 84 percent, despite the relatively larger amount of civil defense training to which Soviet children are exposed.[2] Some instruction of American children about nuclear weapons and their effects might not be such a bad idea if bias-free curricular materials could be developed.

One other civil defense measure that is the subject of considerable ridicule is the use of fallout shelters. Some people base their skepticism on a belief that a nuclear attack is likely to come with little or no warning. A further basis for skepticism for many is that given the destructiveness and number of weapons in the strategic arsenal of the Soviet Union, seeking protection in fallout shelters within public buildings in U.S. major cities would almost certainly be a futile measure against all but fairly limited nuclear-attack scenarios—scenarios such as the hypothesized counterforce attack on U.S. ICBM silos or the kind of attack the U.S.S.R. would have been capable of mounting during the early 1960s when its arsenal was very much smaller than today.

In order to have a chance of any significant impact today, civil defense would have to involve "crisis relocation" (evacuation) and sheltering of the populations of our major cities or much more costly blast shelters in cities. In addition, there would need to be protection against the threat of lethal fallout on a nationwide basis. There are numerous questions that have been raised about the wisdom of making such efforts. First we shall examine the feasibility of crisis relocation and sheltering, and later the option of blast shelters in cities.

COULD A CRISIS RELOCATION SAVE MANY LIVES UNDER FAVORABLE CIRCUMSTANCES?

Favorable circumstances here include, most importantly, ample warning time. The general public perception about an all-out nuclear war is that "we'd all be dead." But studies such as *The Effects of Nuclear War* made by the U.S. Congress, Office of Technology Assessment (OTA) indicate that despite the enormous unprecedented devastation, there would be many millions of survivors.[3] Moreover, under favorable circumstances, civil defense could make a very significant difference in the number of casualties. According to a 1978 CIA study on Soviet civil defense (see Table 9.1), crisis relocation of the population of Soviet cities could reduce the casualties from in excess of 50 percent of the population with only a few hours warning to roughly 10 percent (or "low tens of millions") with a warning period of up to a week or more. The effects of civil defense in reducing U.S. casualties could be similarly dramatic based on three independent estimates yielding 48 to 75 percent fatalities with no civil defense measures taken, versus 10 to 26 percent fatalities with relocation and sheltering.[4] The estimated percentages assume

Table 9.1 1978 CIA Report: Summary Findings on Soviet Civil Defense

- Under worst conditions for the U.S.S.R., with only a few hours or less to make final preparations, Soviet casualties would be well over 100 million, but a large percentage of the leadership would probably survive.
- The critical time for preparation appears to be two or three days, because only by evacuating could the Soviets hope to avert massive losses. With a few days for final preparations, casualties could be reduced by more than 50 percent; most of this reduction would be due to evacuation, the remainder to shelters.
- Under the most favorable conditions for the U.S.S.R., including a week or more to complete urban evacuation and to protect the evacuated population, Soviet civil defenses could reduce casualties to the low tens of millions.
- While many of the essential personnel sheltered at economic facilities would probably survive an attack, the Soviets could not prevent massive damage to their economy and the destruction of many of their most valued material accomplishments.

Source: "Soviet Civil Defense," Report to the Director of Central Intelligence, 1978.

that the bulk of the Soviet arsenal is used, that weapons are ground burst for maximum fallout, that fatalities resulting later from injuries sustained in the attack are counted, and that the relocated population following an evacuation has been retargeted by the U.S.S.R.—a worst-case attack scenario considered overly pessimistic by civil defense supporters.[5]

Such casualty estimates are generally dismissed by civil defense opponents as overly optimistic and based on unprovable assumptions. Nevertheless, some civil defense opponents do grant that under favorable circumstances civil defense could initially save tens of millions of lives. The reluctance of many civil defense opponents to come up with alternative calculations on casualties is based on the view that they would be making the same mistake they see civil defense proponents making, i.e., ignoring those factors that cannot be calculated and assuming that calculated estimates without these factors taken into account are meaningful.

One crucial assumption behind the calculations of crisis-relocation proponents is that there would probably exist a warning period of several days. The warning time would need to be a matter of days, since it has been estimated that the time needed to evacuate 85 percent of persons in high-risk areas would be forty-eight hours. While daily experience with rush hour traffic jams may engender skepticism of such estimates, experience with actual evacuations in the case of natural disasters offers some confirmation that large-scale evacuations can be accomplished. For example, during a hurricane in the Gulf Coast area, 750,000 people were moved up to three hundred miles within a day or two.[6] Civil defense opponents correctly point out that the probable degree of panic and confusion would almost certainly be much greater preceding a nuclear attack than a hurricane, but that does not necessarily mean that citizens would not follow instructions if some prior planning had been done. In the absence of any plan or public education efforts, however, many citizens would be likely to take the more cynical view that any ordered evacuation would be impossible and would not do any good.

Such public cynicism is also fed by overenthusiastic civil defense proponents such as T. K. Jones who concludes that the United States could fully recover from an all-out nuclear war with the Soviet Union in "two to four years . . . if there are enough shovels to go around." Jones's optimism does the cause of a realistic civil defense program little good. Considerable harm is also done by other loose administration statements that convey the impression to some people that the goal is to be better prepared to fight and win a nuclear war, rather than to save as many lives as possible if the worst should occur. Nevertheless, the anti-civil defense view ascribed to by the Physicians for Social Responsibility and many other groups—"There is no effective civil defense. The blast, thermal, and radiation effects would kill even those in shelters, and the fallout would reach those who had been evacuated."—is just as dogmatic and exaggerated as T. K. Jones's view that we can all be saved if there are enough shovels to go around. Of course there really is no way to prove the feasibility of a crisis relocation short of an actual evacuation conducted in time of extreme crisis. In the unlikely event that a practice evacuation of a major city were actually conducted and it went well, civil defense opponents might argue that the degree of panic in a real evacuation would make the test result inapplicable. If the test result went poorly, civil defense supporters could argue that in a real evacuation people would be much more motivated to get out and not treat the whole thing as a joke. A practice evacuation would be extremely costly and in the end might prove very little.

WHY COULD A CRISIS RELOCATION POTENTIALLY BE SO EFFECTIVE?

Civil defense has the potential to make a large difference because the total U.S. land area that might be devastated by primary nuclear-weapons effects (blast, heat, and fire) is estimated to be only 4 to 5 percent,[7] although a majority of the population normally resides in these areas.

Thus, in the unattainable limiting case in which people were uniformly dispersed over the entire U.S. land area, about 4 to 5 percent of the population would be in areas devastated by primary nuclear-weapons effects. In the event of a large-scale attack with many ground-burst weapons, fallout, of course, would be a life-threatening hazard for people without protection over most areas of the United States, even if a crisis relocation took place. However, the radiation levels for people in shelters, or even home basements, would not be lethal in most instances. For example, a fallout shelter with a three-foot thickness of earth overhead would provide a protection factor of 1000 (the radiation intensity inside equals one thousandth that outside), and a typical home basement, might provide a protection factor of 10 to 20.[8] Outside radiation intensity levels would be expected to decline rapidly with time, allowing shelter occupants to leave after a period that depended largely on how much fallout was deposited at any particular location.

The question of time spent in a shelter is sometimes glossed over by civil defense supporters who point out (correctly) that radiation levels are one-hundredth their initial level after two days and one-thousandth their initial level after two weeks. However, these facts may cause us to overlook the importance of cumulative radiation exposure after leaving a shelter. We must also keep in mind the possibility that continued nuclear bombardments would raise the radiation levels back to their original high levels, and the further possibility that nuclear reactors might be targeted, giving rise to a radiation-intensity component that declines very slowly with time.

OVER WHAT FRACTION OF THE UNITED STATES WOULD SURVIVAL IN SHELTERS BE FEASIBLE?

The idealized fallout-distribution map in figure 7.2 gives a rough idea of probable fallout levels following a large-scale nuclear attack in which most weapons were ground burst. In order to see the effects of realistic weather conditions, Leo Schmidt of the Institute for Defense Analyses has calculated probable fallout patterns for various months of the year using the known prevailing winds for each month. It would appear, based on Schmidt's calculations, that survival over most of the eastern half of the country would be possible following a large nuclear attack only if the population were sheltered. (Recall that the lethal whole-body dose is between 200R and 700R, with 450R being lethal to half those exposed.)

Using a total of twelve different prevailing-wind distributions, one for each month of the year, Schmidt has also calculated contours of likelihood of the dose being 500R or less (see figure 9.1). For the striped areas of figure 9.1, the likelihood of a dose less than 500R is 50 percent or less; for the crosshatched areas, there is only a 10 percent likelihood of the dose being less than 500R.

To get a better idea of how large an area of the country would be facing extremely serious fallout problems, we show in figure 9.2 the likelihood contours for the cumulative lifetime exposure being less than 2500R following an all-out attack. Approximately 90 percent of the U.S. land area would have a better than even chance of having radiation levels below this amount according to figure 9.2. For cumulative levels no higher than 2500R, a shelter or below-ground-basement with a protection factor of 20 would reduce the cumulative dose to 125R.

How long would a person need to stay in a shelter if the cumulative outside level was as high as 2500R? That would depend largely on how long it took the fallout to arrive initially. For a typical fallout arrival time of ten hours, a person leaving a shelter after one month would receive for the rest of his life 25 percent as much radiation as an initially unsheltered person. This means that after leaving the shelter, a person would receive 625R spread over the rest of his life, assuming he did not relocate. While 625R exceeds the mean lethal dose, the fact that it would be spread out over a very long time reduces its effect considerably. In the general case of a dose received at a constant rate over W weeks, the LD-50 dose may be expressed as: $345W^{1/4}$. Based on this formula, radiation received at very low intensities over a year is only one-third as harmful as the same dose received during a short time interval. Thus a dose of 625R spread over a year might be roughly equivalent to around 200R received in a short time. Moreover, long-term exposure would be further reduced because a person spends a fraction of his time indoors. Of course, for most people a dose of 200R, while sublethal, is an extremely high radiation dose that they would ordinarily want to avoid. Therefore, many people may want to emerge from their shelters for only short times initially, or else promptly relocate to a less contaminated area, if possible.

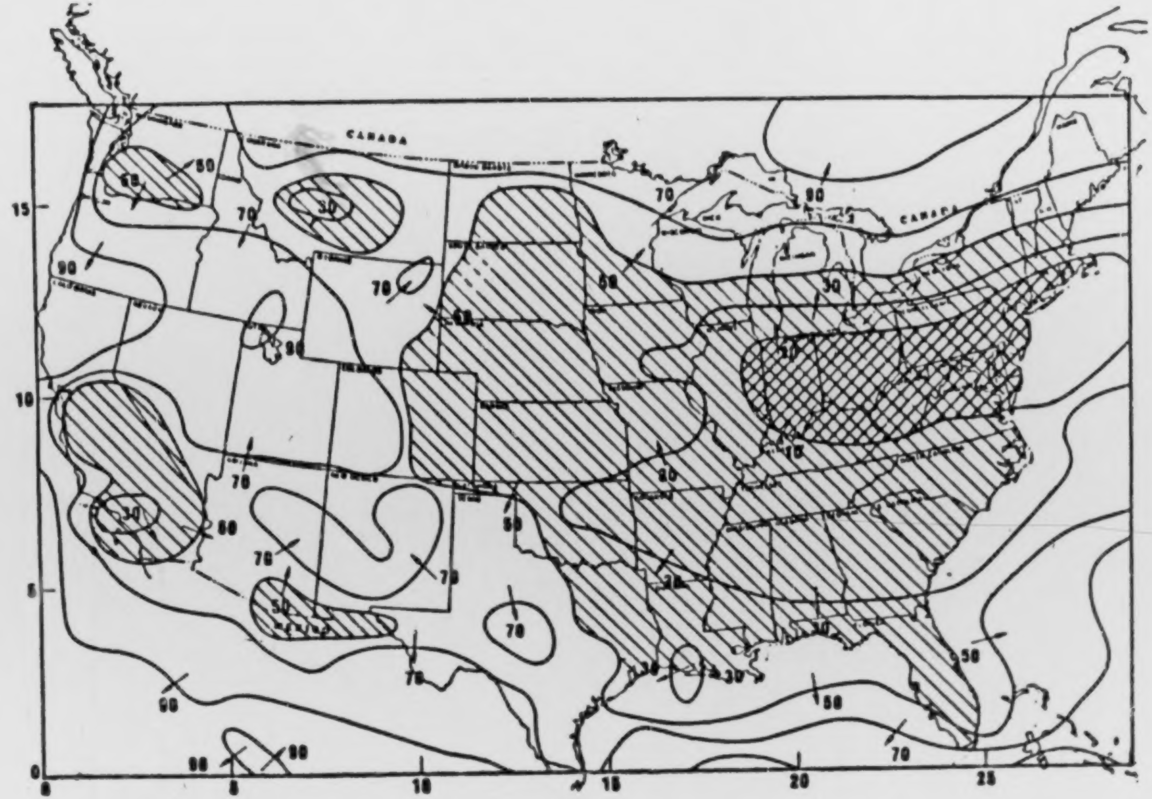

Figure 9.1 Likelihood contours of dose below 500 rads.
Source: L. Schmidt, "A Study of Twenty-four Nationwide Fallout Patterns from Twelve Winds," Institute for Defense Analyses, 1981.
Notes: Contours of likelihood of two-week dose being below 500 rads to unsheltered person for a large-scale nuclear attack (6,541 megatons), obtained by averaging over twelve monthly prevailing wind patterns. Striped areas have more than a 50 percent likelihood of the dose being about 500 rads. In crosshatched areas, the likelihood exceeds 90 percent. All weapons are assumed to have been ground burst for maximum fallout.

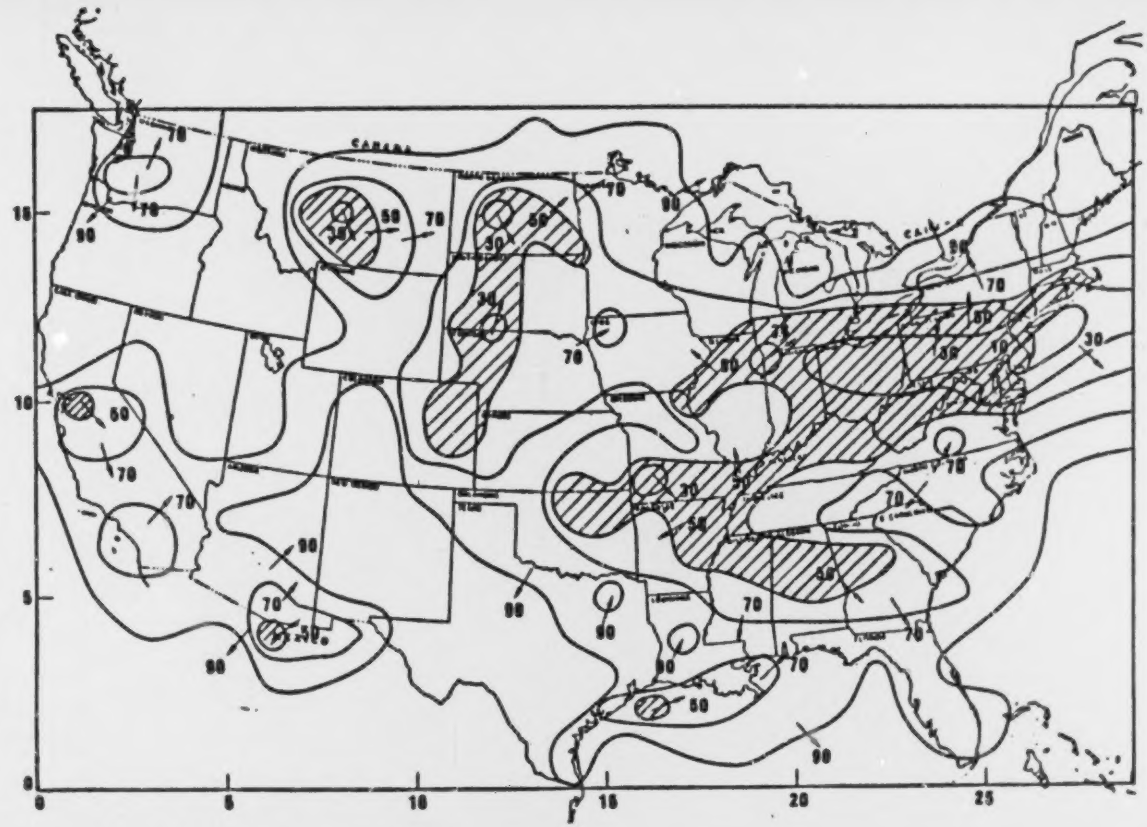

Figure 9.2 Likelihood contours of dose below 2500 rads.

Source: See figure 9.1.

Notes: Contours of likelihood of two-week dose being below 2500 rads to unsheltered person for a large-scale nuclear attack (6,541 megatons), obtained by averaging twelve monthly prevailing wind patterns. Striped areas have more than a 50 percent likelihood of the dose being above 2500 rads. All weapons are assumed to have been ground burst for maximum fallout.

It should be kept in mind that only 10 percent of the U.S. land area is likely to be covered by cumulative radiation levels as high as 2500R, even given the worst-case scenario of many ground-burst detonations, so the previous example is a very conservative one for most areas of the country. An optimistic assessment of the fallout problem and consequent sheltering needs after an all-out attack would look something like the following:

- Over 90 percent of the U.S. land area, the expected radiation levels would require stays in a shelter of less than a month, and in most areas less than a few days.
- Over parts of the remaining 10 percent of the land area, survival might still be possible, especially if the population were to relocate after emerging from shelter. (However, it must also be remembered that perhaps 4 to 5 percent of the U.S. land area would have been devastated by the direct bomb effects of blast and heat, and that a majority of the population resides in these areas.)

Until now, we have considered the fallout distribution from an all-out nuclear attack. Schmidt has also calculated patterns for a counterforce attack primarily targeted against missile silos. Figures 9.3 and 9.4 show the likelihood contours for a cumulative dose of less than 500R (figure 9.3) and less than 2500R (figure 9.4) for the counterforce attack. Clearly, the prospects for survival would be better in the eastern half of the country in the case of a counterforce attack versus an all-out attack. The preceding assessment of what sheltering could accomplish over most areas of the country may seem too optimistic. How is it that different observers come to such contradictory assessments of the effectiveness of civil defense?

Statements made by civil defense opponents and supporters often seem contradictory, since they do not indicate either the level of risk assumed or the outside radiation exposure assumed. Consider for example the assertion made by Edward Kennedy and Mark Hatfield in their book *Freeze!*: "shelter occupants would have to spend as much as 100 percent of the first month in shelter. In the second month they could spend perhaps 75 percent of their time in shelters."[9] The use of "as much as" in the statement should alert the cautious reader that the authors are assuming either a very high outside radiation level (corresponding to a small fraction of the U.S. area), or a very low level of risk. In fact, if we use average postulated

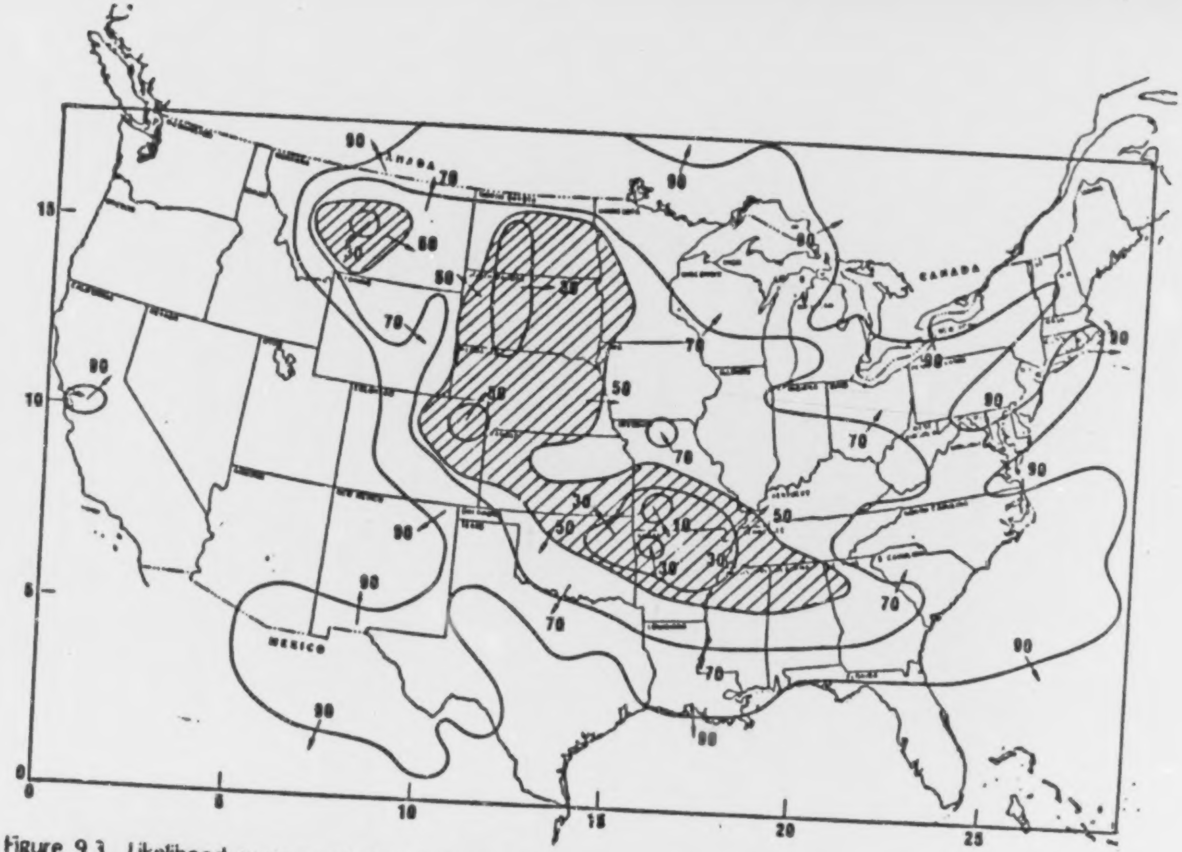

Figure 9.3 Likelihood contours of dose below 500 rads (counterforce attack).
Source: See figure 9.1.
Notes: Contours of likelihood of two-week dose being below 500 rads to unsheltered person for a counterforce nuclear attack involving 2,570 megatons delivered primarily against missile silos. Striped areas have a more than 50 percent likelihood of the dose being above 500 rads. All weapons are assumed to have been ground burst for maximum fallout.

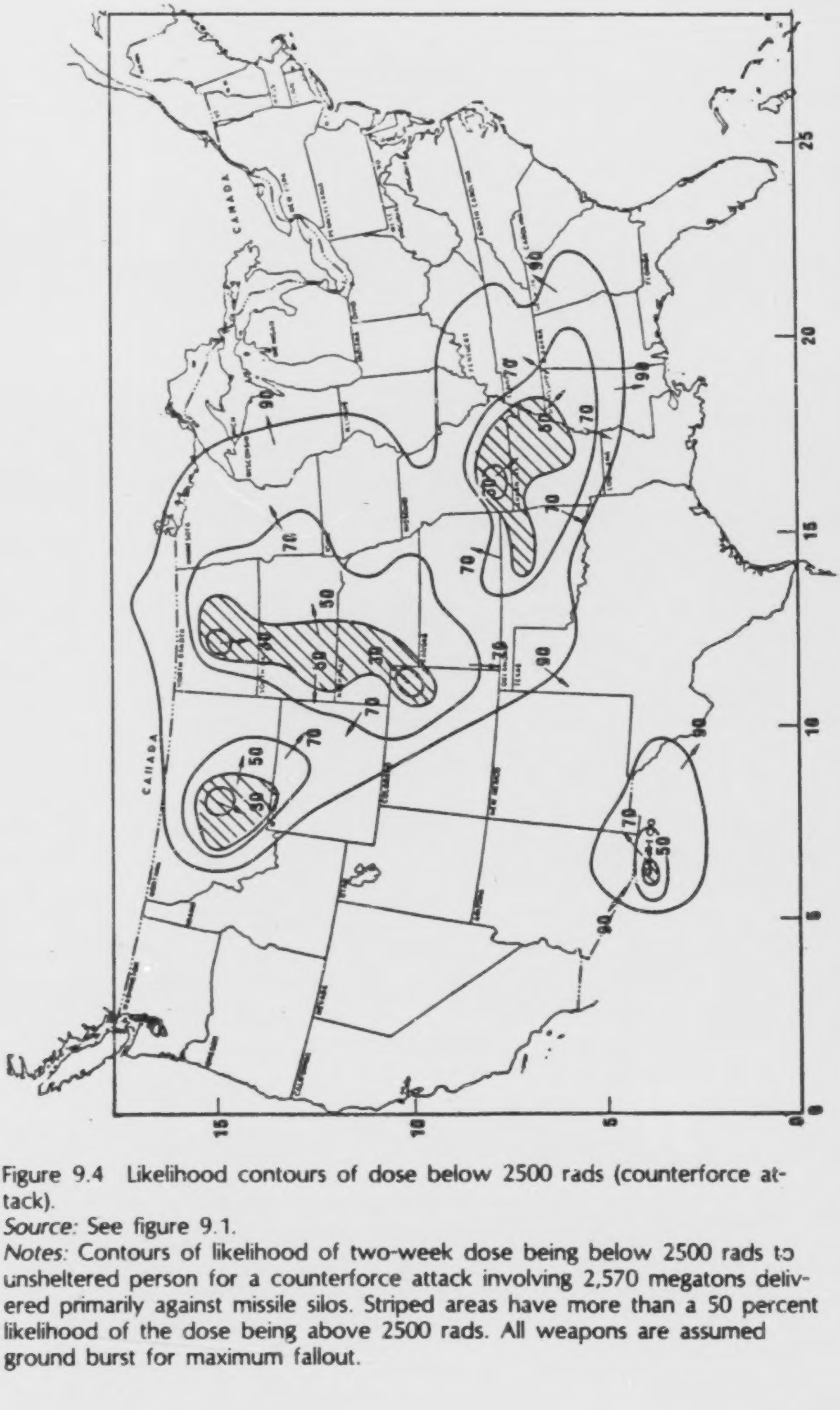
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Figure 9.4 Likelihood contours of dose below 2500 rads (counterforce attack).

Source: See figure 9.1.

Notes: Contours of likelihood of two-week dose being below 2500 rads to unsheltered person for a counterforce attack involving 2,570 megatons delivered primarily against missile silos. Striped areas have more than a 50 percent likelihood of the dose being above 2500 rads. All weapons are assumed ground burst for maximum fallout.

radiation levels and higher-than-peacetime levels for an acceptable risk criterion, the picture changes drastically, especially if one assumes sheltering following a relocation.

The feasibility of a civil defense program based on a relocation of the population followed by sheltering depends on many other factors besides nonprohibitive time in a shelter. One frequently heard objection to such a plan is that the evacuated population could simply be retargeted by the aggressor. Of course, such would not be the case assuming that the evacuation took the form of a dispersal in which small groups are sent to a very large number of host areas. Moreover, a dispersal in which people brought some of their supplies with them might in part avoid the problems of an unfriendly host reception and an overload of available facilities.

The most difficult part of planning a crisis relocation is arranging the support in the host areas to shelter and sustain the evacuated population. Most of the plans under discussion involve lodging for evacuees in congregate care facilities such as churches and schools rather than private homes. Nevertheless, we should not necessarily expect that people now living in the countryside will welcome with open arms to share their shelter and food hordes of culturally and ethnically different evacuees from the cities. Nor will people living in the countryside welcome a civil defense program that may be perceived as making it more likely that the countryside as well as cities will become a target for nuclear destruction. However, the survival of many tens of millions of people should obviously call for some reassessment of our peacetime views concerning private property rights. Unfortunately, given the incidence of gun ownership in the United States, it is hard to be sanguine that such an urban relocation to the countryside would be accomplished without some violence, and without, for example, newly arrived evacuees wanting to keep later ones out. Nevertheless, no matter how many deaths might occur in such an evacuation, they would undoubtedly be much fewer than the lives lost had no evacuation taken place. Moreover, the panic and violence of an evacuation for which no plans have been made would almost certainly be greater than one for which planning had been done—although no one can imagine any evacuation would proceed smoothly according to plan.

In a very severe but prolonged crisis, perhaps involving the prior use of tactical nuclear weapons in Europe, or perhaps even following the start of Soviet evacuation of their cities, it is hard to imagine that large percentages of the U.S. urban population would resist the impulse to evacuate—particularly once a spontaneous evacuation began to get underway. At the Three Mile Island accident, for example, it is estimated that 40 percent of the nearby population evacuated spontaneously. The real choice a U.S. government would have during an extreme crisis would be between directing an evacuation based on some plan, or allowing a spontaneous evacuation to occur with all the chaos that is likely to entail.

HOW LIKELY IS IT THAT CIRCUMSTANCES WOULD BE SO FAVORABLE AS TO ALLOW A CRISIS RELOCATION TO TAKE PLACE?

Of the circumstances necessary for a crisis relocation to be successful, ample time is, as noted, the most important. Given the various events that could precipitate such a directive to evacuate, perhaps the most plausible one would be the Soviet evacuation of their cities. Given the extent of U.S.S.R. civil defense capabilities and the Soviet high regard for defensive measures generally, such an attempted evacuation of Soviet cities in an extreme crisis would not seem to be an improbable event. The evacuation might not signal their intention to strike first, rather it might reflect their judgment that a U.S. first strike was imminent. Such a Soviet evacuation would probably be quickly detected by spy satellites (assuming they are still working) or by other means, but what would the U.S. response be? The alternatives might include: (1) increasing the readiness of our nuclear forces, but not ordering an evacuation of U.S. cities (in that case, assuming the Soviet evacuation became public knowledge, the result might be mass turmoil and spontaneous evacuation of U.S cities); (2) making up a highly complex evacuation plan, disseminating and implementing it with no prior planning; (3) launching a suicidal first strike on the U.S.S.R. before their evacuation runs its course; (4) retargeting U.S. missiles at the Soviet evacuation centers, which would be counter to stated U.S. targeting objectives and which would only work in the unlikely event that the U.S.S.R. evacuation did not lead to a great deal of dispersal; (5) ordering a previously planned evacuation of U.S. cities and calling the Soviet leader on the hot line in an attempt to forestall the impending catastrophe.

While these alternatives may be neither exhaustive nor exclusive, number 5 would seem preferable to the others and to any other response I can think of to the question: What do we do if the Soviets begin evacuating their cities? The president could, of course, call the

Soviet leader without ordering a U.S. evacuation, possibly even threatening a first strike unless the U.S.S.R. ordered its "citizen-hostages" back to their cities. However, it is hard to imagine a Soviet leader complying with such a request when it was fear of an imminent U.S. attack that might have stimulated the order to evacuate in the first place.

An argument sometimes given against the need for a U.S. counterevacuation capability is that if the Soviets wished to attack, they would never reveal their intentions by evacuating their cities and thereby causing U.S. forces to go on alert. That suggestion is not implausible, in light of the great military advantage conferred by a surprise attack. We should not, however, consider only Soviet offensive strategic thinking. An evacuation might be ordered purely as a defensive move, or as a signal to the United States that the Soviets were deadly serious and prepared for the worst.

There are, of course, many scenarios in which a nuclear war might start without sufficient warning to permit an evacuation. These include (1) a surprise attack (with no detectable prior Soviet evacuation), (2) a very rapid escalation from a conventional war with the U.S.S.R., (3) by accident, or (4) by design—started by third parties seeking mutual U.S.-U.S.S.R. destruction. There are obviously many such situations for which a crisis relocation would be unfeasible, just as there are also many other scenarios for which it would be feasible. But most people do not refrain from buying life insurance just because they know that their policy will not pay off under certain circumstances, e.g., death during a nuclear war. The key factor in making such judgments would seem to be how likely are those circumstances that make a plan feasible and how likely are those that make it unfeasible. That question is not an easy one to answer, either for life insurance or civil defense.

Aside from having ample time, a successful evacuation of cities would also apparently require a "cooperative enemy" who would refrain from launching an attack while the evacuation is in progress. Otherwise, the casualties might be even greater than had no evacuation taken place.[10] Such restraint by the enemy need not result from any benign attitude, but rather from the deterrence stemming from the mutual destruction that each side could inflict on the other's fleeing evacuees. This mutual deterrence would, of course, be completely absent if only one side were to evacuate its cities. However, even more important than the deterrence acting to prevent targeting of fleeing populations, would be a deterrence of the impending war altogether. This deterrence would seem more assured if both sides are perceived as being capable of inflicting comparable damage on one another. If it is perceived that an effective Soviet evacuation might allow them to suffer only 10-percent casualties (the estimate in the C.I.A. study), while the U.S. might suffer as much as 75-percent fatalities with no evacuation or warning, there could conceivably be a significant U.S. temptation to strike while the Soviet evacuation was in progress. This is one way in which it might plausibly be argued that a U.S. civil defense program matching that of the U.S.S.R. might contribute to deterrence. There are other ways discussed in the next section in which it may be argued that such a plan would have the opposite effect.

HOW WOULD AN EXPANDED U.S. CIVIL DEFENSE EFFORT AFFECT THE STRATEGIC BALANCE?

The U.S.S.R. has had a civil defense program that has been expanding since the late 1950s. This program now involves over 100,000 full-time military and civilian personnel and perhaps sixteen million others.[11] It also includes a significant amount of public education on the subject of nuclear war and nuclear weapons. For example, training in civil defense is compulsory for all citizens and includes seven courses totaling 124 hours of training time. The program includes scholastic as well as practical training, including fallout shelter construction, medical self-help, and preparation for evacuation. Soviet civil defense planning includes both a crisis relocation of urban populations and blast shelters in cities for key personnel. In the early 1970s a shift was made toward providing shelter protection for the entire urban population considered to be at risk. The cumulative shelter construction to date has provided capacity for a large proportion of the population. Because the population is being trained in the construction of expedient shelters, the Soviets claim that everyone should be able to obtain protection in blast or fallout shelters within 72 hours of government announcement of a threatening situation.

Soviet expenditures on civil defense are estimated to be at least ten to twenty times U.S. expenditures.[12] Approximate expenditure comparisons like this involve much guesswork, and they are based on the estimated cost to replicate the Soviet program in the United States. Nevertheless, even if the estimates are very inexact, they do reveal a sizable difference in scope between U.S. and Soviet civil defense efforts. Although many Soviet citizens may treat Soviet civil defense as a joke, their attitude might change abruptly should a nuclear crisis arise. If the United States were to add to its civil defense effort, such a move would not disturb the strategic balance, but rather restore the balance now lacking. Whatever one's attitude about the relative U.S.-U.S.S.R. balance of offensive weapons, it is a very "stable" balance given the amount of destructive power possessed by each side; additions or cuts in the number of offensive weapons do not greatly affect each side's mutual assured destruction (MAD) capability. The same cannot be said about defensive measures. In particular, it may be argued that if one side has an effective civil defense system that might significantly reduce casualties or, equally important, the system is perceived that way, this potential is more destabilizing than if both sides have the capability. Much the same thing can be said about only one side having an extensive antiballistic missile system. Just the possibility that a defensive system might work, or that it could be quickly upgraded to the point where it would work at some future time, could be highly destabilizing. Ostensibly, it was for that reason that the U.S. and U.S.S.R. agreed in 1972 to limit ABM systems.

It is common among civil defense opponents to dismiss the effectiveness or importance of Soviet civil defense efforts by correctly pointing out the massive levels of destruction the Soviets would suffer even with their civil defense program. For example, even if Soviet casualties could be held to the "low tens of millions," [13] it is almost certainly true that their economy would be devastated in a retaliatory attack, since some have estimated that 70 percent of Soviet industry is capable of being destroyed with only 1300 U.S. warheads.[14] Nevertheless, this does not negate the fact that Soviet civil defense could be highly effective in that it could save many tens of millions of lives and probably safeguard the political leadership. Moreover, the great difficulties in implementing Soviet evacuation plans are often somewhat overstated by civil defense opponents. For example, John Weinstein claims that

> Soviet evacuation plans call for 17 million urban residents to walk 30 miles (1.5 miles for 20 hours), and then build expedient protection. How the very young, the very old, and the sick are to make such formidable progress (while carrying two weeks' worth of food, water, and supplies) is not clear.[15]

For many Americans, walking thirty miles in twenty hours might represent "formidable progress." However, particularly when they are fleeing for their lives, such a hike might seem less formidable to a Soviet populace that is far less dependent on automobiles than U.S. citizens.[16] Moreover, the fact that some of the old and sick might not be able to evacuate may not play much of a role in a Soviet defense planner's thinking regarding the feasibility of an evacuation whose purpose is to save as many of those who can be saved. Furthermore, many Soviet city dwellers would not need to walk to the countryside. Over 15,000 blast shelters have been built to house 20 million people.[17] In addition, a system of deep subway tunnels has been built in all cities whose population exceeds one million. In Moscow alone the subway tunnels would provide protection for a half-million people. Unlike subway tunnels in the United States, those in the Soviet Union are equipped with the necessary blast doors.

Many observers do not attribute any motivation to the Soviet civil defense effort beyond the desire to protect the population against any possibility, although some analysts would see the effort as evidence that the Soviets are planning to fight and win a nuclear war. Nevertheless, whether or not such Soviet motivation exists, the massive Soviet civil defense effort, without any comparable American effort, cannot help but affect Soviet and American thinking on the strategic balance and be one of many factors that in a crisis could precipitate disaster. It doesn't matter that many American civil defense opponents believe the Soviet civil defense plans cannot work. The important point is that given their investment, Soviet leaders appear to believe otherwise.

Civil defense opponents sometimes argue that a sizable U.S. civil defense effort would be destabilizing because it would prompt the U.S.S.R. to add still more weapons to its nuclear arsenal in order to ensure the capability to destroy the United States. However, there is no indication that the United States has found it necessary to build a larger arsenal in order to keep pace with the Soviet civil defense effort. Deterrence does not depend on one's ability to kill in retaliation as many of the enemy as he killed in the initial attack. The point is rather that if there is a great disparity in that regard, then this factor, along with others, e.g. the sizable advantage to the side that strikes the first blow, could significantly undermine deterrence and increase the probability of nuclear war. If one reason for a lack of concern that MAD is still "mutual" is that one U.S. option at present includes launching a first strike while a Soviet evacuation is in progress so as to inflict a comparable level of devastation, then it would seem desirable to remove the necessity for such a drastic option by having a comparable U.S. counterevacuation capability.

Asking whether an expanded U.S. civil defense effort would stabilize or destabilize the U.S.-U.S.S.R. strategic balance is, in effect, asking whether the action would increase or decrease the probability of nuclear war. Perhaps the most persuasive argument that has been advanced against civil defense is that it would allow people to conclude falsely that nuclear war might be survivable or winnable. While a nuclear war might be survivable in the technical sense of there being survivors, recovery in the affected countries would by no means be assured, as we have seen in previous chapters. An expanded civil defense effort would therefore need to be accompanied by a realistic portrayal of how terrible a nuclear war would really be. Unfortunately, past governmental public-education efforts have failed to show the consequences of a nuclear war and the extraordinary hardships survivors would undergo. However, ordinary citizens in the U.S.S.R. seem no more eager than U.S. citizens to have a nuclear war, despite their government's sizable civil defense effort. Therefore, it is hard to say why a U.S. civil defense effort accompanied by extensive public education would make nuclear war less abhorent to U.S. citizens—in fact it might well become more abhorrent and thereby strengthen deterrence. Thus, instead of taking the position that we should work on methods to reduce the risk of nuclear war rather than methods to survive one (civil defense), we may alternatively take the position that we should simultaneously promote civil defense and other methods to reduce the risk of war.

Another argument presented against the need for a U.S. evacuation plan is that a U.S. evacuation of its cities after a Soviet evacuation took place might well trigger a Soviet first strike. That analysis is correct as far as it goes, but a crisis relocation plan would permit a U.S. evacuation while any Soviet evacuation is underway. After a Soviet evacuation has occurred with no corresponding U.S. evacuation in the interim, a mutual deterrence to strike might no longer exist, and the Soviets may well choose to strike first regardless of what the United States were to do. A government that orders an evacuation of its cities is taking an extreme and provocative act—one likely to be interpreted by the other side as a preparation for a preemptive strike. To react passively by not ordering a reciprocal evacuation in the face of such an extremely provocative act could well invite disaster. A Soviet military planner might well conclude that a brief "window of opportunity" had opened in which a preemptive first strike would inflict very much greater damage on the United States than the United States could inflict on the Soviet Union in retaliation. Alternatively, the Soviet military might be tempted to be much more aggressive in whatever military involvement prompted the Soviet evacuation, given the temporarily much greater U.S. vulnerability.

This temptation to engage in "brinksmanship" is exactly what some civil defense opponents say they want the U.S. military to avoid. The Soviets, however, already have a crisis relocation plan while the United States does not. As in the days of John Foster Dulles, brinksmanship is much more likely to arise when one side has a capability not matched by the other. It is true that adoption by the United States of a crisis relocation plan would expand the options of military planners. The options being expanded, however, are not those that would lead to risky military adventures, but rather those that would allow the United States to choose some action other than a preemptive first strike or inaction in the face of a Soviet evacuation. By itself, an effective civil defense program can hardly be viewed as an inducement to adventurism, given the devastation a nuclear war would inflict even with civil defense. Ship captains do not navigate more recklessly because their ship is equipped with lifeboats.

In fact, the CIA's 1978 study on Soviet civil defense concluded that "we do not believe that the Soviet's present civil defenses would embolden them to expose the U.S.S.R. to a higher risk of nuclear attack." [18] Since most U.S. civil defense opponents would probably agree with that statement, it is hard to understand why they view a U.S. crisis relocation plan in a much more sinister light, unless they distrust the motives of U.S. leaders more than those of the Soviet Union's leaders.

One indication of how the Soviets would view a greatly expanded U.S. civil defense program is supplied by the Soviet booklet: *Whence the Threat to Peace?* The first edition of this booklet was prepared by the Soviet Defense Ministry in response to the controversial 1981 U.S. Department of Defense booklet, *Soviet Military Power.* The earlier U.S. booklet described Soviet military might in stark terms, and it included a section of Soviet civil defense as well.[19] The Soviet booklet was more balanced in that it compared the two superpower's military arsenals and then proceeded to attack all the elements of the proposed U.S. buildup under President Reagan as undermining an alleged existing nuclear parity.[20] The one notable omission in the Soviet attack on the U.S. military buildup was any reference whatsoever to the proposed significant expansion of U.S. civil defense efforts. One may infer from this omission that the Soviets have found no fault with a U.S. program designed to save lives and that they do not view it as provocative or destabilizing. An alternate explanation of their silence on this one point might be that they would just as soon see the United States waste defense dollars on a useless undertaking. That interpretation, however, is implausible given the scope of the Soviet civil defense program and the fact that they now spend many times what the United States spends in this area.

It is even possible that the Soviets view U.S. inattention to civil defense in an ominous light. A Soviet defense planner might well regard a near-total U.S. neglect of civil defense as a strong indication that the first U.S. option of choice is a first strike or that we in the United States really have little appreciation for what war would be like on our own soil. Lacking such an appreciation, we might therefore react in panic in a military confrontation and thereby blunder into a full-scale nuclear war. Whether or not it may seem farfetched that the lack of a civil defense effort should have an ominous connotation, precisely that view has reportedly been voiced in conversations with individual Soviet citizens and officials.[21] The interpretation given to actions or inactions of one country by people in another country is not always easy to second guess—particularly when two countries harbor such deep suspicions of each other's intentions. Whatever the Soviet view of an expanded U.S. civil defense effort, Soviet officials seem eager to downplay the scope of their own effort.[22] Since there are many U.S. civil defense opponents who equate civil defense with preparation for a nuclear war, the Soviets do not wish to be seen holding that view, particularly when denouncing a U.S. administration on that score.

Much more important than dollar expenditures on civil defense is how the money is to be spent. If a U.S. civil defense program is going to accomplish anything, it is essential that past mistakes be corrected—particularly in producing educational information for the public that shows the real dimensions of a nuclear catastrophe. It is difficult for the public to be optimistic that officials charged with the mission of creating a civil defense plan really know what they are doing when one reads media accounts of administrative procedures for forwarding mail and collecting taxes following a nuclear war.[23]

HOW WOULD AN EXPANDED U.S. CIVIL DEFENSE EFFORT AFFECT THE PROSPECTS OF EVENTUAL RECOVERY?

Although it has been asserted that civil defense could, in fact, have a very significant short-term impact on casualties, its impact on the long-term recovery of the society is less clear. For example, even if the CIA assessment of Soviet civil defense capabilities is correct, and, in the most favorable circumstances, the U.S.S.R. were to suffer no more than 10-percent casualties following a U.S. retaliatory strike, the survival of the U.S.S.R. as a functioning society would be far from assured. As the physicist Henry Kendall notes, a second U.S. retaliatory strike would have devastating consequences on the U.S.S.R. economy and social structure, wiping out the bulk of its industry, oil refineries, military and political targets, and cities.[24] Moreover, given the scarcity of material goods and, more importantly, the destruction of an economy that makes production of new goods possible, a case can be made that the eventual recovery of a society is more likely if there are fewer initial survivors.[25]

However, the morality of this anti-civil defense argument is equivalent to that of taking just enough survivors into a lifeboat so that, given the limited provisions on board, all can be reasonably certain of surviving for some time, rather than taking as many as the boat can hold. Quite apart from the dubious morality of not making serious civil defense efforts that might save many tens of millions of lives since it might endanger long-term recovery, the truth of the asserted proposition is by no means self-evident. It may well be that to reconstruct a devastated society, the most important asset is not physical, but rather the accumulated skills and knowledge of its surviving individual citizens. It is possible that the great bulk of our accumulated knowledge adapted to a highly technological civilization would have little relevance to the utterly unprecedented situation in which the survivors would find themselves. However, it would seem equally absurd to think that the extremely difficult and perhaps impossible road back to a functioning society would necessarily be made more difficult by the presence of too many physicians, engineers, policemen, craftsmen, farmers, and people generally.

Moreover, civil defense supporters note that the situation for survivors might not be so different from the marginal existence in many parts of the world today or from the way everybody lived not long ago. Obviously extremely difficult, possibly insurmountable, problems would exist in restoring production of food and other essential goods, as well as equally important problems in distributing these goods. These problems are so serious that civil defense planning before the fact can only make things less miserable for the survivors and for the possible eventual reconstruction of society. Such planning cannot assure that there will be a government in charge to follow through on the plans, that people would receive and obey instructions of such a government, or that society would eventually recover.

It may well be that following an all out U.S.-U.S.S.R. nuclear exchange, the survivors would indeed envy the dead. Just as in World War II concentration camps, there would be many among the survivors who would give up all hope and would not bother to try to survive. There would also be those who would try to survive at the expense of others' lives. However, we should not prejudge these things and try to minimize such actions by minimizing the number of survivors.

Finally, even if we grant there is uncertainty over whether such a program would help the long-term recovery following an all-out nuclear war, there are other events for which a civil defense program would be of unquestionable benefit. Without indicating how probable such eventualities are relative to an all-out nuclear war, they include: (1) a limited nuclear war with the U.S.S.R., (2) a limited nuclear war initiated by a third party, (3) an accidentally fired U.S. missile hitting a U.S. target, (4) a nuclear terrorist attack, (5) a catastrophic nuclear reactor accident, and (6) other nonnuclear disasters. While in many of these cases there is unlikely to be much warning time before the event, much less warning would be needed. For example, suppose a nuclear war were intiated by a third party or by an accidental launch of a small number of Soviet missiles. Whether such actions would quickly lead to all-out war is impossible to say. While many untargeted cities hundreds of miles from the detonation would have zero warning before the blast itself, they would have ample warning of perhaps a day (depending on wind velocity) of the approaching radioactive cloud.

HOW EFFECTIVE ARE SHELTERS?

Our main focus so far has been on government civil defense efforts, particularly the idea of crisis relocation of the population. The neglect of other possible government programs such as shelter construction has, as already noted, been a matter of concern over cost rather than probable effectiveness. Individual citizens must also decide for themselves if individual civil defense efforts are worthwhile. Such precautions might range from plans to move now to Australia, to constructing a shelter or becoming familiar with what precautions would need to be taken so that these individual plans could be carried out during a period of severe international crisis. The book *Nuclear War Survival Skills* by Cresson Kearny, a physicist at Oak Ridge National Laboratory, favors this last approach.[26] One advantage of this approach is that it avoids developing a "survivalist" mentality through which an obsessive concentration on an expected doomsday can, in some perverse way, make one look forward to the catastrophe in order to test one's knowledge, skills, and equipment. The other main advantage to the approach is that it avoids the expense and possible embarrassment inherent in putting a shelter in one's back yard. Those who have built such shelters sometimes find themselves the object of ridicule sufficient to deter other people from such an undertaking. However, the conventional wisdom of what is "crazy" and what is "normal" might change abruptly in a severe crisis. People in other countries, particularly the Swiss and the Chinese, do not find such precautions crazy.

The Swiss, for example, who have not fought a war in 150 years, currently have a shelter beneath every home, apartment building, hotel, and factory. All but unnoticed by the rest of the world, the Swiss have gone underground. The Swiss expect to finish their long-term effort, now more than half complete, by 1990, at which point there will be a nuclear-shelter space for every citizen. Their massive civil defense effort, costing on a per capita basis fifty-seven times that of the U.S. effort, has so far placed underground three hundred hospitals, five hundred large community shelters, a thousand command, communications, and medical-aid posts, as well as shelter spaces for the majority of the population. The Swiss are convinced, on the basis of their research, that their extensive shelter system will allow the vast majority of their population to survive a nuclear attack after a stay in shelters ranging from a few hours to two weeks at the most. The strenuous Swiss civil defense effort is certainly not typical of other nations, but neither is the relative U.S. lack of effort. Of the countries of Western Europe, only France spends less on civil defense on a per capita basis than does the United States.

Shelters come in two basic varieties: those designed to protect against fallout and those designed to protect against blast as well. Occupants in a well-constructed blast shelter capable of withstanding overpressures of 50 psi could survive the blast 0.84 miles or more from a one-megaton ground-burst bomb, whereas survival outside a blast shelter closer than 2.8 miles would not be likely. In the case of a bomb air burst at the "optimum" altitude, survival from the initial blast would actually be possible in a blast shelter located at ground zero (directly beneath the explosion), where the overpressure would be around 30 psi. Using figures such as these, what can we conclude about the efficacy of blast shelters?

It is necessary to distinguish three types of shelters for which there will be somewhat different answers:

- Blast shelters for key government leaders
- Blast shelters for citizens in high-risk areas
- Blast shelters for citizens outside high-risk areas

Key government leaders have several advantages over ordinary citizens, most notably that (1) no expense would be spared in building a blast shelter for them, and (2) depending on which side strikes first, they might have advance notice of the nuclear attack. There are also two big disadvantages that government leaders have: they are likely to be primary targets of the enemy, and hence they would be targeted at the onset of an attack. Moreover, even if they did have enough warning time to reach a shelter, the location of that shelter might well be known to the enemy and would probably be a prime target. The likelihood of keeping secret the location of shelters for top government officials is not easy to guess. Possibly construction for such shelters might not be detected by spy satellites. Moreover, given the differences between Soviet and American societies, it seems likely that the location of shelters for key government officials might be kept secret much easier in the Soviet Union. But even if the location of shelters for key government people should become known, it is still possible that the shelters could be effective even if they are directly targeted—for example, if the shelters are at the bottom of a deep mine, some of which are more than a mile underground. (By way of contrast, the crater depth would be 250 feet for a one-megaton ground-burst weapon and 800 feet for a 20-megaton weapon.)

Ordinary citizens do not need to worry about bombs directly targeted on their shelter. For residents of a major city, some idea of the chances of survival in a blast shelter may be conveyed by comparing the area subject to 50 psi or more overpressure from the blast to the total area of a major city. For example, a one-megaton ground-burst bomb would produce 50-psi overpressures over an area equal to only 0.7 percent the area of New York City. While the chances of survival in a city blast shelter might seem reasonable based on this one statistic, there are many other factors lowering the odds of survival. In a large city likely to be struck by many bombs, the high levels of radiation could require prohibitively long stays in shelters (many months). In addition, in a city there is a greater probability of a firestorm compared to the suburbs, greater chance of shelter-ventilation problems due to fires, and greater depth of rubble preventing egress from a shelter. The suburban resident would have a considerably greater probability of surviving in a blast shelter than the city dweller, given that less than 0.5 percent of the area of the U.S. would experience overpressures as high as 50 psi, even if the entire Soviet nuclear arsenal were ground burst.

To summarize, the probable effectiveness of blast shelters would greatly depend on the circumstances. Key government leaders in the country that initiated the conflict would almost certainly have ample time to reach blast shelters. These shelters would offer their occupants an excellent chance of survival if either their location were kept secret to prevent targeting or if they were put in impregnable locations such as very deep mines. Key government leaders in the attacked country would survive only if they evacuated prior to the attack, possibly during a period of mounting crisis. Ordinary citizens who were able to reach blast shelters prior to the attack would have a very good chance of surviving the initial phase of the attack outside major cities. Inside major cities, survival from blast would still be possible, but many other factors might lower the chances of long-term survival, depending on the nature of the attack. In outlying areas not subject to direct bomb effects, blast shelters would not be necessary; fallout shelters would be sufficient to substantially improve chances of survival.

If you believe that civil defense is worthwhile, but, for whatever reason, you are not interested in building a shelter, Cresson Kearney's approach is still open: learn what precautions need to be taken and hope that there is enough time in a severe crisis to implement them. The main disadvantage of Kearney's approach is that it requires sufficient warning. He estimates that construction of an expedient fallout shelter (described in his book) that would also give some protection against blast could be accomplished in forty-eight hours using hand tools. As discussed in Appendix B, families living in homes with below ground basements outside high risk areas might actually be better off in their basement rather than in a shelter.

There are numerous ethical questions that have been raised concerning individual shelters. People who have built shelters for their family's use might find it necessary to turn away friends and neighbors—perhaps at the point of a gun. The fine ethical distinctions in our ordinary peacetime existence would undoubtedly be radically transformed following a nuclear attack or immediately preceding one. Your decision on whether civil defense makes sense ultimately needs to be based on whether you would want to survive in a world that is likely to be more primitive ethically and morally, as well as physically. However, it is impossible to know beforehand what kinds of horrible moral choices survivors may need to make. Perhaps the most honest response to your neighbor's question, "Would you shoot me to keep me from sharing your shelter? " might be, "I really don't know what either of us might do under such difficult circumstances, but why don't you let me help you build your own shelter so that the situation will not arise? "

This book is not intended to be a nuclear-war survival manual, although Appendix B discusses measures the individual can take to increase the chances of survival following a nuclear war. Before you examine specific ways that might increase your chances of survival following a nuclear attack, however, you must first make the most fundamental choice of all: Do you really *want* to survive a nuclear war? There may be many readers who, while granting that civil defense can save lives, nevertheless believe that death would be preferable to survival following a nuclear war. However, it is also possible that the commonly heard "I want to be the first to go" may be a reflexive reaction that would bear little relation to how people actually would act.

"INSURMOUNTABLE" OBSTACLES TO AN EFFECTIVE CIVIL DEFENSE

We conclude this chapter by examining four very significant obstacles to an effective civil defense and consider the extent to which they might prove insurmountable.

Climatic Catastrophe

If a nuclear war were to result in catastrophic climatic or ecological changes of the magnitude some scientists have suggested, then the long-range prospects of human survival would indeed be bleak. It must be remembered, however, that there is considerable uncertainty in these predictions and that it is not possible to estimate the probability of a climatic catastrophe. Moreover, to the extent that the governments of the United States and Soviet Union believe predictions of climatic catastrophe, they may be moved to actions that mitigate against that possibility. Such actions might include a further move to smaller weapons, a change in targeting strategy (avoiding cities and nuclear reactors), or a mutual reduction in the size of the arsenals.

The magnitude of the climatic effect termed "nuclear winter" is a key issue for civil defense. Although a catastrophic temperature decline might make all but the most heroic civil defense efforts futile, the likelihood is that a temperature decline would be of less-than-catastrophic proportions, and that would make certain civil defense measures potentially very important, e.g., having large individual and national stored food reserves.

Enemy Targeting Strategy

It is possible to construct hypothetical war scenarios that would negate any civil defense preparations. One can, for example, imagine an attack against the relocated population using many ground-burst weapons to maximize fallout. If the population were dispersed, however, such an attack would require a very large number of nuclear weapons—even more than both sides are believed to possess. Many strategists, moreover, regard such an attack as unlikely. From the attacker's point of view, the primary targets in a nuclear war would almost certainly be the enemy's strategic nuclear forces and his command, control, and communication structure. Secondary targets would probably include economic and industrial centers that could serve in a future warmaking capacity. It is believed to be neither U.S. nor Soviet policy to target population per se. It is, therefore, thought by some that directing nuclear weapons at the relocated population (away from industrial targets) would be rejected as a "wasteful" use of weapons that could be used to better effect against other targets. That assessment is probably correct only as far as the initial stages of a nuclear war are concerned. Once a major war begins, one can well imagine all sorts of possibilities, especially including a desire to kill as many of the enemy as possible in an attempt to achieve the total destruction of his country. If the primary goal is vengeance and a desire to impede recovery to the maximum extent possible, there will probably be continued nuclear attacks over an extended period of time. Nuclear submarines with their cargo of ballistic missiles can stay submerged for months. Continued attacks against the civilian population would greatly impede recovery and indeed make life terrible for survivors, but this possibility would not make civil defense efforts futile.

Public Opinion

Public-opinion surveys show that the U.S. public is divided on the issue of civil defense. Many citizens, particularly those who know of the magnitude of the Soviet civil defense program, believe that the government should be doing something to save lives in the event of nuclear attack. At the same time, however, most citizens are pessimistic about the chances of their own survival, even with civil defense, and they believe that it might be better to be the first to die rather than to try to survive. Short of a crisis such as the 1962 Cuban missile crisis, it seems likely that the relative apathy of most of the U.S. public toward civil defense will prevent a massive civil defense effort from gaining large public support. The extent of public apathy towards civil defense is probably enhanced by media portrayals of life after nuclear war, whether or not these portrayals are realistic. In addition, there is an active lobby against civil defense by groups who see it as worse than useless, since they believe it makes nuclear war more likely. In view of the opposition of these groups, the apathy of much of the public, and the lack of any significant pro-civil defense lobby, it seems unlikely that a massive civil defense program would receive much political support in the absence of a severe crisis. When President Kennedy tried to push such a massive effort in the early 1960s, it created a great deal of fear and panic and was subsequently abandoned. With that experience in mind, national leaders today tend to be cautious in their approach toward civil defense. Even conservative presidents who support civil defense may be reluctant to take a strong leadership position on the issue, lest the public view them as reckless warmongers or possibly kooky survivalists. U.S. public opinion has proven volatile on defense matters generally. It is not easy to say whether public attitudes on civil defense are ever likely to shift sufficiently to make a massive civil defense effort a high-priority national goal in peacetime.

Societal Disintegration

A commonly held view is that a nuclear war would so disrupt the fabric of society that recovery as an organized country might not be possible for many years, or even forever. Those who believe this assessment to be unduly pessimistic cite the following two kinds of evidence for their belief:

1. A study of major wartime disasters, including, for example, Hiroshima and Nagasaki, shows that there was little or no overt panic. It is difficult to say to what extent that may reflect the particular cultural traits of stoicism and repression more common in Japanese than in Americans. Certainly, the levels of destruction in a major nuclear conflict today would dwarf the Japanese experience, and there might be no help of any kind from the outside world, making the Japanese experience a poor guide.

2. No past experiences with major natural disasters, including fires, floods, earthquakes, or epidemics, support the societal-disintegration hypothesis. Of course, such catastrophes would be dwarfed by the devastation of a major nuclear war and, hence, also may be very poor models from which to draw any parallels.

Our beliefs as to what would happen to the "social fabric" in a major nuclear war basically relate to our view of human nature. Some observers look at the nihilism in much of twentieth-century life and imagine a complete disintegration once our highly complex and artificial society is smashed. Others note that man is a social animal and that, as such, he has a desire to band together and survive in a social group. These observers believe that such a need might be just as strong, if not stronger, than the urge to disintegrate. Whichever view is correct, there can be little question that the world after all-out nuclear war would bear little resemblance to today's world, civil defense or not.

While there are major obstacles to survival following a nuclear war, it is by no means clear that these obstacles are insurmountable. In the nuclear age the goal of preventing nuclear war must, of course, take priority over surviving one. Nevertheless, because a nuclear war could occur despite our best efforts at prevention, prudence requires that some attention be devoted to the problem of survival.

STUDY QUESTIONS

1. What accounts for the negative reactions some people have towards the idea of civil defense?
2. What are the arguments for and against an expanded U.S. civil defense effort, particularly a crisis relocation plan?
3. Could civil defense make a nuclear war more survivable in the short term? In the long term?
4. In what ways would an expanded civil defense effort make nuclear war more likely? Less likely?
5. If you don't think civil defense is a good idea, what would you think an appropriate U.S. response would be to a Soviet evacuation of their cities? Is that something worth thinking about? Explain.
6. To what extent do you think that government plans to expand civil defense are directed towards saving lives rather than towards matching the Soviet civil defense effort?
7. Does the size of the Soviet civil defense effort worry you? Explain.
8. What are the moral and ethical questions concerned with expanding the U.S. government's civil defense program? With not expanding the program?
9. Do you plan to do anything by way of civil defense? Explain.

Reproduced from: Waging Nuclear Peace,
State University of New York Press,
Albany, NY (1985)

AMERICAN SOCIETY OF PROFESSIONAL EMERGENCY PLANNERS

REPLY TO:

March 1, 1985

President Ronald W. Reagan
The White House
1600 Pennsylvania Avenue, N. W.
Washington, D. C. 20500

Honorable Sir:

Your National Security Division Directive Number 47 issued July 22, 1982 in its preamble stated that "This directive aims ..... to assure that a range of options are available in time of grave danger."

The directive goes on at length to stress the partnership and interdependence between Federal, State and local governments. Your directive identifies with national security and domestic emergencies. You continue in a very positive manner to identify the various components of a strong, viable civil defense/emergency government program.

You conclude this directive with the words ".... each department and agency will program and budget funds and personnel for those preparedness activities which are integral to assigned missions and functions."

To the best of my knowledge this directive still is in effect.

While we strongly applaud this directive and take encouragement from its words, we fear that O.M.B. has failed to understand your directive in the offering of the FY 1986 budget request. The part of the budget that deals with civil defense has been proposed to be cut from the F.Y. 1985 181.4 million to 119.9 million. While we recognize the problem of the deficit we feel it most urgent to call to your attention that at the $119.9 million figure, most of the State and local programs in the preparedness effort will stop. Local government now supports the federal matching funds by a 60% local, 40% federal matching fund ratio. In some areas that figure is even greater on local governments part. Without the matching funds to support the local planning and coordinating effort, the local program will stop. Many State programs now available to local government will also cease. Although without a local program, no one would be able to take advantage of them anyway. It is odd to note in the budget request proposed by O.M.B. that the federal portion of the budget increases. Just what all of the bureaucrats would do without State and local partners is unknown.

President Ronald W. Reagan
The White House
March 1, 1985

You spoke of our civil defense program again in your State of the Union message. We are grateful for your recognition and commitment.

Mr. President, we want to help you keep our Country ready for all contingencies. We have dedicated our lives to public service at the local level. We know how to do our jobs. In disaster after disaster, local coordinators have distinguished themselves through outstanding effort. We, at the local level, are the first at the scene.

On behalf of the over 800 local coordinators qualified to be A.S.P.E.P. members, I urge, exhort, beg and plead you to look at this serious problem and at least retain the FY '85 level in order to look at the program and have a better program ready to replace the existing one, instead of destroying what is now in place thereby depriving the 235 million citizens of a vital "life insurance policy" as well as depriving them of the protection guaranteed to them in our Constitution.

Please accept and consider our urgent message.

At Your Service,

Ernest J. Terrien

Ernest J. Terrien
President
7525 West Greenfield Avenue
West Allis, Wisconsin 53214

EJT:emf

cc: Congressional Committee

Mr. DELLUMS. Unless there is further business to come before the subcommittee, this subcommittee will stand in adjournment, subject to call of the Chair.

Thank you very much.

[Whereupon, at 1:10 p.m., the subcommittee adjourned, subject to the call of the Chair.]

GENERAL ACCOUNTING OFFICE REPORT ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY [FEMA]

House of Representatives,
Committee on Armed Services,
Military Installations and
Facilities Subcommittee,
Washington, DC, Wednesday, April 17, 1985.

The subcommittee met, pursuant to call, at 2:22 p.m., in room 2118, Rayburn House Office Building, Hon. Ronald V. Dellums (chairman of the subcommittee) presiding.

STATEMENT OF HON. RONALD V. DELLUMS, A REPRESENTATIVE FROM CALIFORNIA, CHAIRMAN, MILITARY INSTALLATIONS AND FACILITIES SUBCOMMITTEE

Mr. Dellums. The Subcommittee on Military Installations and Facilities will reconvene its afternoon session.

This afternoon the subcommittee is pleased to welcome witnesses from the National Security and International Affairs Division of the General Accounting Office who will report their findings on the use of civil defense funds by the Federal Emergency Management Agency.

Last fall this subcommittee requested the General Accounting Office to initiate an audit of the Federal Emergency Management Agency's use of funds authorized and appropriated for civil defense purposes.

The subcommittee's concern about FEMA's management and expenditures stems from, one, recent media accounts of mismanagement by top agency officials; two, the large amount of work being contracted out; three, FEMA's refusal to give the subcommittee certain information it requested; and four, the fact that FEMA's congressional oversight is fragmented. Moreover, because FEMA's budget submission was too vague for decisionmaking, the subcommittee wants to know how FEMA apportions and spends the funds.

On November 28, 1984, the GAO was requested by the subcommittee to determine how FEMA spent its civil defense funds in fiscal year 1984 and how it plans to spend these funds in fiscal year 1985.

The General Accounting Office was asked to address a number of specific issues. My colleagues have before them the questions that were specifically raised. The Chair would not repeat them at this time.

GAO's findings will be presented today by Mr. Martin Ferber, Associate Director, Manpower, Reserve Affairs and Logistics, National Security and International Affairs Division of the General Accounting Office.

Following the GAO testimony and whatever questions my colleagues deem appropriate at that time, Mr. Joseph Moreland and Dr. William Chipman of the FEMA will be here to respond to any questions the members may have.

I would like to welcome the gentleman before the subcommittee, and without objection, the full text of the gentleman's presentation before the subcommittee will appear at the appropriate point in the record, and myself and the members of the subcommittee welcome you, and the gentleman may proceed in any fashion you choose.

STATEMENT BY MARTIN M FERBER, ASSOCIATE DIRECTOR, MANPOWER, RESERVE AFFAIRS AND LOGISTICS, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION, GENERAL ACCOUNTING OFFICE, ACCOMPANIED BY ULDIS ADAMSONS, GENERAL ACCOUNTING OFFICE

Mr. FERBER. Thank you, Mr. Chairman. I am pleased to appear here before the committee and provide a status report on the results of our work undertaken at your request on the use of civil defense funds by the Federal Emergency Management Agency.

Mr. DELLUMS. Welcome.

Mr. FERBER. With me is my group director responsible for work in mobilization planning; I will give you an overview of the data we have developed in our ongoing work and offer observations in response to your overall questions.

We found that FEMA has control procedures to ensure that civil defense funds are spent for civil defense activities, but we observed some apparent exceptions to those procedures, and the FEMA inspector general report questions FEMA management control of State programs.

With regard to funding controls, our ongoing work shows that FEMA has addressed many of the financial and accounting control problems raised in reports by GAO and others, but actions are incomplete. Some of the management problems and alleged abuses noted in recent congressional testimony and media coverage involve civil defense funds.

The relative portion of FEMA resources allocated to civil defense in fiscal year 1985 is on the order of 20 to 25 percent. FEMA estimates that 622 people—about 22 percent of its 2,767 personnel—work on civil defense programs. The fiscal year 1985 appropriation for civil defense is $181.4 million, or about 24 percent of FEMA's appropriation. However, in fiscal year 1986, FEMA has requested only $119.1 million for civil defense. This reduces civil defense to 19 percent of the total budget, down from 24 percent in fiscal years 1984 and 1985.

FEMA has also requested congressional approval to transfer $5½ million of fiscal year 1985 civil defense program funds to its general salaries and expense appropriation. FEMA believes that transfer is necessary because they have not allocated enough funds for fiscal year 1985 salaries and benefits.

Of the total transfer, $2.6 million would be used for programs other than civil defense. In addition, FEMA is considering other changes in the 1985 budget to alleviate the impact of the proposed reduction on civil defense funds in fiscal year 1986.

Most civil defense funds are spent through contracts, grants, or other purchasing instruments. Of the fiscal year 1984 total of $167.5 million, $137.4 million—about 82 percent—was spent in this fashion. Most of these funds went to State and local governments through comprehensive cooperative agreements.

ACCOUNTING AND BUDGETING PROBLEMS

I would now like to address the reported problems in accounting for and budgeting civil defense funds. Examinations by GAO, FEMA itself, and the Congress have identified a number of internal control problems which related directly to civil defense expenditures. In June, 1982, we reported weaknesses in FEMA's internal financial and accounting controls. The weaknesses include inadequate safeguards and controls over disbursements, inadequate preaudits to preclude duplicate payments, obligations poorly controlled and not adequately reviewed, recorded or reconciled, and other aspects.

We also reported that achieving effective program operations at FEMA have been greatly hampered by basic weaknesses in the administration and management of its accounting operation, and that such weaknesses were a major underlying cause of the internal control deficiencies.

FEMA acknowledged these problems and in response to our recommendations took actions to address them.

In September 1983, FEMA awarded a contract to a CPA firm to review the internal controls over contracts and grants at its National Emergency Training Center in Emmitsburg, Md. The contractor reported a number of weaknesses in the Center's internal controls, including too many noncompetitive procurements, and too many awards in the fourth quarter. For example, in fiscal year 1983, 12 of 13 new contract awards by the Center were noncompetitive, and about 58 percent of the total awards were made during the fourth quarter.

In October 1984, an investigation by the Subcommittee on Investigation and Oversight of the House Committee on Science and Technology and an investigation by FEMA's inspector general disclosed a number of contractor billing problems involving civil defense contractors. For example, two contractors that have a history of sole source contracts with FEMA, including $2.8 million in fiscal year 1984, were cited as having numerous questionable billings. These contracts were awarded under the Small Business Administration's 8[a] Program which is designed to assist socially and economically disadvantaged businesses.

The subcommittee found that FEMA officials put billings from Triton Corp. on a special basis so that personnel responsible for verifying billings were by-passed between November 1983, and May 1984. This was disclosed during hearings in October 1984, but there has not been a final committee report or formal response by FEMA.

FEMA's inspector general reported that another contractor, IMR Systems Corp., had an inadequate accounting system for assigning contract costs, that the contractor performed and was paid for work before written contracts or task orders were prepared, and that the contractor claimed some expenses several times. Although established controls were in place at the time the cited deficiencies occurred, the investigators found they were not followed as required.

Both contractors are currently under investigation by the Small Business Administration to determine whether they indeed qualify for the 8[a] Program, and by the Justice Department in a grand jury investigation of questionable contracting practices.

Last, FEMA's inspector general report just issued is critical of FEMA's controls over comprehensive cooperative agreements with the States. As I mentioned, most contract funds are spent via these agreements.

Specifically, in our current work you asked us to identify and test FEMA's controls over civil defense contracts with organizations in the private sector, particularly for sole source contracts. Aside from the cases I just mentioned, we believe that the controls in place and planned if properly implemented—and I emphasize that if properly implemented—should provide reasonable assurance that contracts issued to private concerns are adequately reviewed and monitored.

We also note, however, that FEMA has not yet revised its procurement policies and procedures to comply with the Competition in Contracting Act, which became effective on April 1.

SOLE SOURCE PROCUREMENTS PROCEDURES

FEMA control procedures for sole source procurement vary according to the amount of procurement and the type of contractor involved. Sole source procurements under $25,000 require a brief justification statement and approval of the contracting officer. Actions over $25,000 must be supported by a justification statement and also be approved by higher levels. Procurements from or through other Government agencies, including 8[a] Program through the Small Business Administration, however, are not subject to FEMA's current procedures for sole source procurement but are subject to other contracting controls.

During fiscal year 1984, FEMA negotiated 85 sole source contracting actions involving 38 contractors and amounting to approximately $7.2 million. We examined 51 contracting actions and found that $4.2 million worth involving 9 of the 18 contractors in our sample represented 8[a] Program procurements through the Small Business Administration, and as such did not require sole source justifications.

Contracts with the remaining sole source contractors contained sole source justifications which had been approved in accordance with FEMA regulations. During our evaluation, however, we did not have sufficient time to assess the validity of those justifications.

As already publicized, FEMA's sole source contracts have involved alleged abuses which have been the subject of previous congressional hearings. Our review of those contract files showed that controls were in place at the time that the alleged abuses occurred. Thus the problems involve how well controls were implemented. Contract control problems have been raised by previous examinations of FEMA and include such things as, one, intervention by FEMA management to by-pass controls; two, FEMA not fully informing potential bidders of its needs; three, FEMA awarding a contract against the advice of interagency scientific and health experts; and four, a potential conflict of interest.

The potential conflict of interest issue arose because the FEMA Director serves as an officer of the International Management and Development Institute of the Fowler-McCracken Commission, a nonprofit organization which received a sole source grant including $50,000 in fiscal year 1984 civil defense funds. FEMA's Office of General Counsel has ruled there was not a conflict of interest. Thus the grant was awarded. In its planned procurements for fiscal year 1985, FEMA plans to use $150,000 of civil defense funds for another sole source grant to this organization.

MISSIONS

Finally, I will discuss your concern of how civil defense funding relates to other FEMA missions. Generally, we found that the distinction is not clear-cut. Although FEMA is sometimes viewed as having two parts to its overall mission—attack-related emergencies on the one hand versus natural and technological emergencies on the other, its budget line items do not neatly fall into one category or the other. Certain program activities of FEMA are intertwined and mutually supportive. For example, two of FEMA's other budget line items, that is, other than civil defense, are comprehensive emergency preparedness planning and radiological emergency preparedness, which consist of activities related to natural and technological emergencies.

Civil defense funds, however, are used to support these programs through means such as Comprehensive Cooperative Agreements and the use of radiological instruments.

On the other hand, the attack-related activities which deal with Federal preparedness and not the protection of the U.S. civilian population per se, are funded from the Federal preparedness authorization rather than civil defense.

Our examination of how funds are identified as civil defense versus other programs shows the distinctions are often judgmental, and in some cases, unclear. Examples include funding for automatic data processing, Emergency Operating Centers and the National Emergency Training Center. Data processing supports all of FEMA and is funded equally out of three budget line items—civil defense, Federal preparedness, and management and administration. The operation of the Emergency Operating Centers, which are used during all emergencies, however, are totally funded by civil defense. The operating cost of the training facility is split about 50-50 between civil defense and fire safety.

We also found that out of $5½ million for civil defense research in fiscal year 1984, about $1.3 million appeared to relate primarily to program activities other than civil defense. These activities, such as radiological emergency preparedness, fire administration and mobilization emergency preparedness, have their own separate funding.

Because of the limited auditing tests we were able to make in our current work, we have no recommendations. Our work, however, has shown that certain problems remain. We also note that FEMA has taken initiatives to correct those problems and the main task now appears to us to ensure that FEMA's initiatives are properly implemented and that controls in place are not circumvented.

Mr. Chairman, that concludes my statement. We will be happy to answer your questions.

PREPARED STATEMENT OF MARTIN M FERBER

Mr. Chairman and Members of the Subcommittee,

I am pleased to appear before the Subcommittee to provide a status report on the results of our work, undertaken at your request, on the use of civil defense funds by the Federal Emergency Management Agency (FEMA). With me is Uldis Adamsons, my Group Director responsible for work in mobilization planning.

The Subcommittee expressed concern that FEMA's budget submission was too vague for decision making, and asked us to determine how FEMA spent its civil defense funds in fiscal year 1984, and how it plans to spend these funds in fiscal year 1985. You expressed particular interest in whether defense needs were still the primary focus of civil defense expenditures, and requested details on FEMA expenditures such as the portion of FEMA funds contracted out, the types of FEMA and contractor activities being funded, and the types of funding controls in place.

Today, I will give you an overview of the data we have developed in our ongoing work, and offer observations in response to your overall questions. We found that FEMA has control procedures to ensure that civil defense funds are spent for civil defense-related activities, but we observed some apparent exceptions to those procedures in the case of research contracts. We also noted that FEMA does not yet have a system to accurately identify the amount of time FEMA personnel spend in civil defense activities. With regard to funding controls, our ongoing work shows that FEMA has addressed many of the financial and accounting control problems raised in prior reports by GAO and others, but actions are incomplete. Some of the management problems and alleged abuses noted in recent congressional testimony and media coverage involve civil defense funds.

HOW DOES CIVIL DEFENSE RELATE TO FEMA'S OVERALL MISSION AND BUDGET?

The FEMA mission is to establish and maintain capabilities to prepare and respond to emergencies caused by natural, technological (such as nuclear reactor accidents), and attack-related disasters. To carry out its mission, FEMA has 13 major programs, one of which is civil defense:

- o Flood Plain Management/Insurance
- o Earthquake Preparedness
- o Hurricane Preparedness
- o Radiological Emergency Preparedness
- o Hazardous Materials Preparedness
- o Dam Safety
- o Fire Safety
- o Disaster Relief
- o Civil Defense
- o Continuity of Government
- o Resource Preparedness
- o Mobilization Preparedness
- o Training

FEMA's civil defense activities focus on attack-related disasters, but also provide a capability to respond to natural and technological disasters. Also, civil defense is not the only program which deals with attack-related disasters; FEMA programs such as mobilization preparedness and continuity of government also deal with attack-related disasters. FEMA is currently implementing an Integrated Emergency Management System to use basic emergency capabilities (such as communications, transportation, and shelter) to apply to all disasters, with special capabilities added for certain types of emergencies.

FEMA's organization is made up of 5 major operating groups and 10 regional offices. However, for fiscal year 1986, FEMA is considering closing four regional offices (as yet, not designated). FEMA's jurisdiction covers the 50 states and the U.S. territories. Four of the five major operating groups have--among other responsibilities--a responsibility for managing civil defense.

--The National Preparedness Programs Directorate is responsible for overall civil defense plans and policy development.

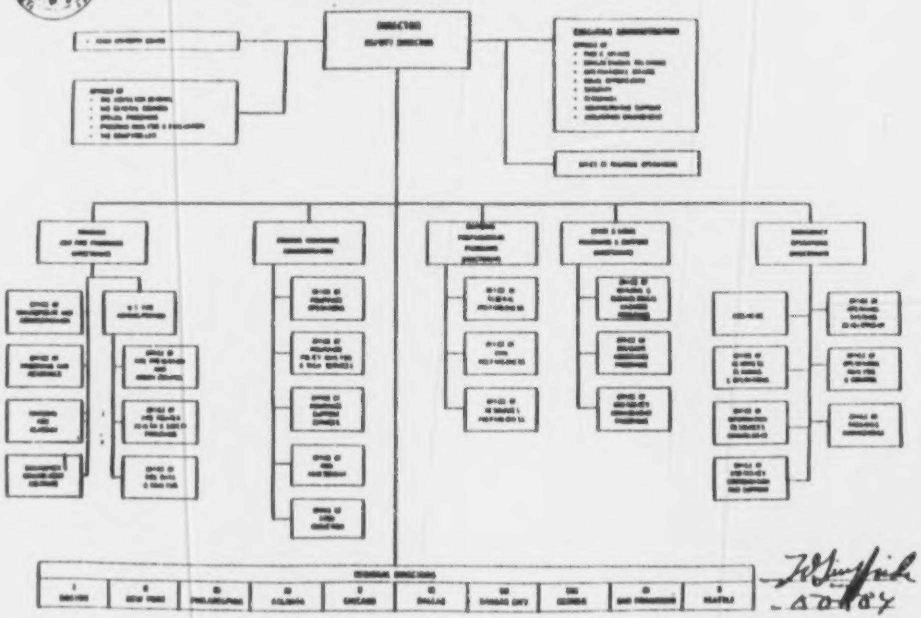
- --The State and Local Programs and Support Directorate develops and implements civil defense program components that are deployed at state and local levels.
- --The Training and Fire Programs Directorate provides civil defense training and public education.
- --The Emergency Operations Directorate administers national warning and communications systems.

The relative proportion of FEMA resources allocated to civil defense in fiscal year 1985 is on the order of 20 to 25 percent. As of February 28, 1985 FEMA estimated that 622 (about 22 percent) of its 2,767 personnel were working on civil defense programs. The fiscal year 1985 appropriation for civil defense was $181.4 million, or 24 percent of the total FEMA appropriation of $761.6 million. However, for fiscal year 1986 FEMA has requested only $119.1 million for civil defense. This reduces civil defense to 19 percent of the total budget, down from 24 percent in fiscal years 1984 and 1985. Attachment I provides a breakdown of funds within civil defense for fiscal years 1984, 1985, and 1986.

However, FEMA has also requested congressional approval to transfer $5.6 million of fiscal year 1985 civil defense program funds (from its Emergency Management Planning and Assistance Appropriation) to its Salaries and Expenses Appropriation. FEMA believes the transfer is necessary because they had not allocated enough funds for fiscal year 1985 salaries and benefits. Of the total transfers, $2.6 million would be used for programs other than civil defense. In addition FEMA is considering other changes in the 1985 budget to alleviate the impact of the proposed reduction of civil defense funds in fiscal year 1986 to $119.1 million. Attachment IV describes the appropriation transfers for fiscal year 1984 and currently proposed fiscal year 1985.

Most civil defense funds are spent through contracts, grants, or other purchasing instruments. Of the fiscal year

ORGANIZATION
FEDERAL EMERGENCY MANAGEMENT AGENCY



Source: The FEMA Budget In Brief - Fiscal Year 1986

1984 civil defense total of $167.5 million, $137.4 million (about 82 percent) was spent in this fashion. Most of these funds went to state and local governments through Comprehensive Cooperative Agreements.

PROBLEMS IN ACCOUNTING FOR AND BUDGETING CIVIL DEFENSE FUNDS

The Accounting and Auditing Act of 1950 requires the head of each executive agency to establish and maintain a system of accounting and internal control over all the agency's assets. Examinations by GAO, FEMA, and the Congress have identified a number of internal control problems which related directly to civil defense expenditures.

In June 1982, GAO reported weaknesses in FEMA's internal financial and accounting controls (GAO/AFMD-82-87). The weaknesses included inadequate safeguards and controls over disbursements, inadequate pre-audits to preclude duplicate payments, obligations poorly controlled and not adequately reviewed, recorded, or reconciled, and accounting functions poorly managed and inadequately staffed.

We reported that FEMA's disbursing operation did not conform to Treasury and GAO requirements and, as a result, federal funds were being unnecessarily exposed to the risk of loss, theft, or other misuse. We also reported that FEMA did not exercise basic fund controls over its obligations to ensure that (1) appropriations were used as intended by the Congress, and (2) FEMA did not make financial obligations in excess of amounts appropriated by the Congress.

We concluded that because FEMA did not systematically use the control procedures noted above and had widespread deficiencies in its obligation records, there was doubt about the true status of FEMA's obligations for fiscal years 1979, 1980 and 1981.

We also reported that achieving effective program operations at FEMA had been greatly hampered by basic weaknesses in the administration and management of its accounting operation, and that such weaknesses were a major underlying cause of the internal control deficiencies. Specifically, we noted that personnel were sometimes not available to perform essential accounting functions or lacked the training and expertise to properly carry out these functions; written procedures had not been developed to guide and instruct employees in carrying out their day-to-day duties; responsibility and accountability for accounting duties were not clearly assigned; and employees' duties were not specified in job descriptions.

FEMA acknowledged the cited problems and identified actions to address them. Specifically, FEMA has:

--developed new voucher examination procedures to help ensure proper and timely payment of invoices;

--implemented procedures to track the status of obligations;

--implemented improved controls over its disbursements;

--acted to review and reconcile all of its recorded obligations; and

--made improvements in its accounting operation, including hiring more professional accountants and issuing written job descriptions to employees.

In attachment III, we list prior GAO reports which contain recommendations relating to the use of civil defense funds, and the status of pertinent recommendations.

In September 1983, FEMA awarded a contract to a CPA firm to review the internal controls over contracts and grants at its National Emergency Training Center, Emmitsburg, Maryland, and to ascertain whether existing controls and procedures were adequate. In December 1983, the contractor reported a number of weaknesses in the center's internal controls including too many noncompetitive procurements and too many awards in the fourth quarter. In fiscal year 1983, 12 of 13 new contract awards by the center were noncompetitive. About 58 percent of total awards--including both new awards and contract modifications--were during the fourth quarter. The contractor recommended that FEMA explore (1) methods to increase competitive procurements and (2) ways to improve its advanced procurement planning to ensure future compliance with standards. FEMA agreed with the recommendations and corrective action is in process.

An October 1984 investigation by the Subcommittee on Investigation and Oversight of the House Committee on Science and Technology and an investigation by FEMA's Inspector General have disclosed a number of contractor billing problems involving civil defense contracts. For example, two contractors (Triton Corporation and IMR Systems Corporation) that have a history of sole source contracts with FEMA, including $2.8 million in fiscal year 1984, were cited as having numerous questionable billings. The contracts were awarded under the Small Business Administration's 8(a) program, which is designed to assist socially and economically disadvantaged businesses. The contracts provided for curriculum development, editorial support, and evaluation assistance at the National Emergency Training Center.

The Subcommittee found that FEMA officials put billings from Triton Corporation on a special basis so that the personnel responsible for verifying billings were bypassed between November 1983 and May 1984. This was disclosed during hearings in October 1984 but there has not been a final Committee report or formal response by FEMA.

FEMA's Inspector General reported that the second contractor, IMR Systems Corporation, had an inadequate accounting system for assigning contract costs, that the contractor performed and was paid for work before written contracts or task orders were prepared, and that the contractor claimed some expenses several times. Although established controls were in place at the time the cited deficiencies occurred, the investigators found that they were not followed as required.

Both contractors are currently under investigation by the Small Business Administration to determine whether they indeed qualify for the 8(a) program, and by the Justice Department in a grand jury investigation for questionable contracting practices.

Current status of FEMA controls

You asked us to identify and test FEMA's controls over civil defense contracts with organizations in the private sector, particularly for sole source contracts. Aside from the cases I just mentioned, we believe that the controls in place and planned, if properly implemented, should provide reasonable assurance that contracts issued to private concerns are adequately reviewed and monitored. We note, however, that FEMA has not yet revised its procurement policies and procedures to comply with the Competition in Contracting Act (Title VII of the Deficit Reduction Act of 1984). The Act became effective on solicitations issued on or after April 1, 1985.

FEMA controls require that before a contract is awarded, separate approvals by key officials assure that a product or service is needed, that funds are available, and that the contracting method is appropriate. Specifically, procurement requisitions are required for acquisitions and are approved by the project officer, the program head, and two other designated officials. The office that initiates the procurement is responsible for preparing and obtaining funding validation from FEMA's Office of the Comptroller, Budget Division.

FEMA established a Procurement Review Board in January 1984 to review the agency's proposed procurement actions to ensure that they support FEMA's goals and objectives. Contract modifications and new procurement requests in excess of $100,000 are reviewed by the Office of Acquisition Management and also forwarded to the Procurement Review Board for review and approval.

A contracting officer is responsible for the development, negotiation, award, administration, and closeout of contracts. Two of the contracting officer's duties are to ensure that each acquisition is authorized and that funds are available.

After a contract is awarded, the project officer and the contracting officer are responsible for monitoring the contractor's performance. Monitoring is performed through contractor-submitted progress reports, special reports, letters, telephone calls, and/or visits to contractor facilities. In addition to monitoring, postaward administration includes payment procedures which require the project officer to verify work performed and certify payment for interim vouchers. Final vouchers require the contracting officer's certification to ensure that necessary actions such as audit and property disposition have been completed prior to payment.

The control procedures for sole source procurements vary according to the amount of the procurement and the type of contractor involved. Sole source procurements over $500 but under $25,000 require a brief justification statement and approval of the contracting officer. Actions over $25,000 must be supported by a justification statement and also be approved by higher levels: up to $500,000 by the Director of the Office of Acquisition Management, and over $500,000 by the Executive Administrator. Procurements from or through other government agencies, including 8(a) program procurements through the Small Business Administration, are not subject to FEMA's current procedures for sole source procurement, but are subject to other contracting controls.

During fiscal year 1984, FEMA negotiated 85 sole source contracting actions (contracts and/or modifications to existing contracts) involving 38 contractors and amounting to approximately $7.2 million. We examined 51 contracting actions the majority of which were over $50,000, and found that $4.2 million worth (involving 9 of the 18 contractors in our sample) represented 8(a) program procurements through the Small Business Administration, and, as such, did not require sole source justifications. Contracts with the remaining sole source contractors contained sole source justifications which had been approved in accordance with FEMA regulations. During our evaluation, however, we did not have sufficient time to assess the validity of the justifications.

FEMA's sole source contracts have involved alleged abuses which have been the subject of previous congressional hearings. Our review of the contract files showed that controls had been in place at the time the alleged abuses occurred, thus the problems involve how well controls were implemented. Contract control problems have been raised by previous examinations of FEMA and included such things as (1) intervention by FEMA management to bypass controls, (2) FEMA not fully informing potential bidders of its needs, (3) FEMA awarding a contract against the advice of interagency scientific and health experts, and (4) a potential conflict of interest. The potential conflict issue arose because the FEMA Director serves as an officer of International Management and Development Institute/Fowler-McCracken Commission, a non-profit organization which received a sole source grant including $50,000 of fiscal year 1984 civil defense funds. FEMA's Office of General Counsel has ruled that there was not a conflict of interest, thus the grant was awarded. In its planned procurements for fiscal year 1985, FEMA plans to use $150,000 of civil defense funds for another sole source grant to this organization.

How Does Civil Defense Funding Relate To Other FEMA Missions?

Although FEMA is sometimes viewed as having two parts to its overall mission (attack-related emergencies on the one hand versus natural and technological emergencies on the other), its budget line items do not neatly fall into one category or the other. Certain program activities of FEMA are intertwined and mutually supportive.

For example, two of FEMA's other major budget line items, Comprehensive Emergency Preparedness Planning and Radiological Emergency Preparedness, consist of activities related to natural and technological emergencies (that is, earthquakes, hurricanes, hazardous materials accidents, etc.). Civil defense funds, however, are used to support these programs through means such as Comprehensive Cooperative Agreements to the states, and the use of radiological instruments.

On the other hand, attack-related activities which deal with federal preparedness and not the protection of the U.S.

civilian population per se, are funded from the federal preparedness authorization rather than civil defense.

Our examination of how funds are identified as civil defense versus other programs showed the distinctions are often judgemental and, in some cases, unclear. Examples include the funding for the Automated Data Processing program, the Emergency Operating Centers, and the operation of the National Emergency Training Center in Emmitsburg, Md. The data processing program, which supports all of FEMA, is funded out of three budget line items: civil defense, federal preparedness, and management and administration. Each appropriation contributes about one-third of the total operations cost. The operations of the Emergency Operating Centers, which are used during all emergencies, however, are totally funded by civil defense. The operating costs of the training facility, including instructors, is split about 50/50 between civil defense and fire safety.

Research contracts

We also found that out of $5.5 million for civil defense research in fiscal year 1984, about $1.3 million appeared to relate primarily to program activities other than civil defense. These activities, such as radiological emergency preparedness, fire administration, and mobilization emergency preparedness, have separate funding accounts. A listing of FEMA's fiscal year 1984 research contracts is provided as attachment II.

Reprogramming and reallocating funds

In response to your concern about controls over reprogramming and reallocating funds, we found that FEMA has controls to ensure that such actions are in accordance with congressional requirements. Attachment IV describes appropriation transfers involving civil defense funds in fiscal year 1984 and a proposed transfer for fiscal year 1985. The proposed fiscal year 1985 transfer of $5.6 million is entirely from civil defense funds within the Emergency Management Planning Assistance Appropriation, to several funds (civil defense and others) within the Salaries and Expenses Appropriation.

Civil defense staffing

FEMA uses a 60% rule of thumb to charge staff's time to a program. That is, if an individual spends 60% of his or her time on a civil defense activity, then civil defense is assessed the full cost of the employee. Although some efforts have been made to estimate staff time, there is currently no system in place which can account for the salaries and expense expenditures, due largely to individuals with assigned duties which cross the boundaries of various programs. As mentioned, FEMA estimated that in February 1985, 622 people were working full or part-time in civil defense programs.

* * * * * *

Because of the limited tests made in our current work, we have no conclusions or recommendations. Our work has shown certain problems, but it is important to note that FEMA has taken initiatives to correct those problems. The main task now is to ensure that these initiatives are properly implemented.

Mr. Chairman, that concludes my statement. I will be happy to answer your questions.

ATTACHMENT I

ATTACHMENT I

FEMA's Civil Defense Budget
Fiscal Years 1984, 1985, and 1986

($ in Thousands)

Civil Defense Activities	FY 1984			FY 1985			FY 1986
	Appropriated¹	Actual	Difference	Requested	Appropriated	Difference	Requested
State & Local Emergency Management							
Emergency Management Assistance	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Other S&L Emergency Management	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Total	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Radiological Defense							
Planning & Development	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Instrumentation	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Other Radiological Defense	—	—	—	[illegible]	—	[illegible]	-0-
Total	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Population Protection							
Population Protection Planning	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Facility Survey Engineering & Development	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Shelter Preparation	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Total	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Protection of Industrial Capability							
Industrial Capability Protection Planning	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	-0-
Keyworker Protection	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	-0-
Other Protection of Industrial Capability	-0-	-0-	-0-	[illegible]	[illegible]	[illegible]	-0-
Total	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	-0-
State and Local Direction Control and Warning							
Emergency Operating Centers	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
State and Local Warning and Comm. Systems	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Emergency Broadcast System Guidance and Assistance	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Other S&L Direction Control and Warning	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Total	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Research							
Research	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	-0-
Systems Integrations & Applications	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
System Development	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	-0-
Policy and Planning	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Total	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Training and Education							
Emergency Management Institute	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
NETC Site Administration	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
NETC Host Site Administration	-0-	-0-		[illegible]	[illegible]	[illegible]	[illegible]
Emergency Public Information	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Total	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Telecommunications and Warning							
National Warning System	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Washington Area Warning System	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
FEMA National Teletype System	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
FEMA National Voice System	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	—	[illegible]
FEMA National Radio System	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Telecommunications Support Services	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
U.S. Army Civil Preparedness Detachment	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Emergency Information Distribution System	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	—	[illegible]
DOD Reimbursement-Support	[illegible]	[illegible]	—	[illegible]	[illegible]	[illegible]	[illegible]
Total	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Automatic Data Processing	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Total Civil Defense	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

¹Amounts reflect pay supplemental, effective January 1984 not included in original appropriation.

Source: FEMA Budget for FY 1985 and FY 1986.

ATTACHMENT II ATTACHMENT II

FISCAL YEAR 1984
REPORTED CIVIL DEFENSE RESEARCH EXPENDITURES

	Project Title and Number	Obligation
1.	Technical Analysis for Emergency Management (EMW-84-E-1737)	$ 874,000
2.	Technical Analysis for Emergency Management (EMW-84-E-1764)	345,000
3.	Restricted Height Low Frequency Antenna System (EMW-84-C-1728)	300,000
4.	Low Cost Ratemeter Design (EMW-E-1459)	285,000
5.	Lead Laboratory Support - Nuclear Effects (EMW-84-E-0883)	255,000
6.	Application Studies - Crisis Relocation (EMW-84-C-0645)	237,000
7.	Reception and Host Guidance for Reception Areas (EMW-C-0605)	210,000
8.	Weapons Technology Applications (EMW-84-E-1571)	200,000
9.	Emergency Management Issue Papers	200,000
10.	Rapid Enhancement Phase III (EMW-84-C-0961)	176,627
11.	Evacuation Model-Phase IV (EMW-84-E-0765)	175,000
12.	Recovery from Nuclear War (EMW-84-G-1670)	172,660
13.	Technical Mobilization Exercise Support (EMW-84-C-1471)	161,552
14.	Mobilization Management System (EMW-84-C-1472)	137,992
15.	Management of Population Problems (EMW-84-K-1024)	118,500
16.	Development of Radiation Guidelines (EMW-84-E-1764)	115,000
17.	Multi-Hazard Shelter Incentive (EMW-84-C-1570)	111,033
18.	Methods for Reducing Cost of Blast Shelter (EMW-84-E-1729)	105,000
19.	Emergency Operations Training Facility	101,000
20.	Upgrading Shelter Structures (EMW-84-C-1828)	99,046
21.	Population Protection Tests and Exercise Handbook (EMW-C-1538)	85,000
22.	Soviet Civil Defense (EMW-84-C-0571)	81,997
23.	Radiochromic Waveguard Dosimeter (EMW-E-1460)	80,000
24.	Lead Laboratory for Standards and Testing (EMW-84-E-1239)	75,000
25.	Planning Guidance for Essential Worker (EMW-C-1590)	67,523
26.	RADEF Systems Development (EMW-C-1533)	67,190
27.	Joint Swedish/US Fire Support (EMW-83-C-1416)	60,000
28.	Disaster Hazard Study (EMW-84-E-1668)	60,000
29.	Federal Laboratory Consortium (EMW-84-E-1755)	50,000
30.	State and Local Management Information Systems (EMW-C-0854)	50,000
31.	Role Conflict NIMH/FEMA (EMW-84-C-1562)	42,807
32.	Computer Model for Statistical Evaluation of State and Local Emergency Operations Centers (EMW-84-C-1751)	41,000
33.	Warning and Communication Management Review (EMW-C-1576)	39,024
34.	Advanced Concepts for RADEF Instruments (EMW-E-1293)	35,000
35.	Management Information Development Services (EMW-C-0854)	35,000
36.	Stockpile Form and Quantity (EMW-84-E-1859)	34,575
37.	Computer Graphics for Exercise (EMW-84-E-1675)	30,000
38.	U.S. Civil Defense Council (EMW-84-K-1491)	30,000
39.	Field Test Keyworker Shelter (EMW-84-E-0956)	20,405

	Project Title and Number	Obligation
40.	Pyscho-Cultural Data (EMW-84-E-1648)	$ 15,000
41.	Direct Course Overrun (EMW-84-C-1099)	15,000
42.	Pay Supplemental Transfer (Trans to Budget)	14,000
43.	Integrated Assessment (EMW-84-E-1729)	13,400
44.	Prototype Status Reporting System (Doc #54990)	12,300
45.	Copies of Shelter Management Handbook (FEMA Pub #88570)	10,000
46.	Maintenance and Services Management Audit (EMW-C-1114)	9,773
47.	Videotape on FEMA Mission (EMW-84-C-0854)	9,655
48.	EOC Microwave Linkage Study (EMW-4-4408)	9,345
49.	Overrun Readiness of Local Community for Planning (EMW-83-C-1129)	6,683
50.	Cost Overrun—Post Attack Resource Management (DCPA20-73-C-0267)	6,454
51.	Copies of University of Pittsburg Study (FEMA Pub #88578)	5,749
52.	Telephone Directory Inserts (EMW-4-4185 & 6)	3,180
53.	Econ Stabilization Follow-on (EMW-84-C-1646)	1,952
54.	Print Soviet Civil Defense (FEMA Pubs)	1,664
55.	Reprint R&D Assessment (FEMA Pubs)	1,600
56.	Society for Risk Analysis (EMW-84-K-4289)	1,500
57.	Cost Overrun—Emergency Operations Model (EMW-80-C-0312)	800
58.	Modification to Contract (EMW-84-C-0835)	501
59.	Video Tapes (Public Affairs)	200
60.	Printout of GPO Subscribers (EMW-84-K-4066)	65
	Total Civil Defense Research Procurement Action	$5,501,752 [1]
	Personnel Compensation and Benefits	$ 870,185
	Transportation of Persons	35,723
	Other	1,144
	Total Civil Defense Research Salaries and Expenses	$ 907,052
	Total Civil Defense Research Expenditures	$6,408,804

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[1] Includes funds reported from the research account only. FEMA reported that other accounts within Civil Defense provided about $3.4 million more in support of the above projects.

STATUS OF GAO RECOMMENDATIONS REGARDING CIVIL DEFENSE

Report & Recommendations	Action Completed	Action in Process	Comments
Weaknesses of Internal Financial and Accounting Controls at the Federal Emergency Management Agency (GAO/AFMD 82-87, 6/17/82)			
The Director, FEMA should:			
• Ensure that adequate follow-up actions are taken to correct the weaknesses identified.	X		
• Develop and issue written procedures covering all aspects of financial and accounting operations, including related internal controls to appropriate department offices.	X		
• Assign qualified staff to all accounting functions of FEMA.	X		
• Issue instructions emphasizing that FEMA fiscal procedures and instructions must be followed.	X		
• Instruct the Inspector General's office to increase audit coverage of FEMA's internal financial operations, with particular emphasis on internal controls.	X		
• Develop an accounting system conforming to the Comptroller General's standards and submit the system's design to GAO for approval.	X		
The Emergency Management Assistance Program Should Contribute More Directly to National Civil Defense Objectives (GAO/GGD-83-5, 11/5/82)			
The Director, FEMA should:			
• Specify national objectives or standards for States to require local applicants to address in their annual funding proposals, depending on the unique needs and capacities of each			Action taken not fully responsive

Report & Recommendations	Action Completed	Action in Process	Comments
local jurisdiction. The Director, FEMA should also require States to use these national objectives or standards in their oversight and evaluation of local performance and consider local performance as a factor in their annual funding decisions.			
• Require each State as a part of its Emergency Management Assistance (EMA) Annual Submission to: (1) identify those local jurisdictions in critical civil defense areas that do not participate in the EMA program, and (2) address specifically how the State plans to attain participation of these local governments through such means as varying the EMA matching requirement within the State, adopting State distribution formulas as tools to encourage desired participation patterns, and/or giving priority funding consideration to jurisdictions in critical civil defense areas.	X		
• Review each State's Annual Submission to ensure that efforts are being made to fund local jurisdictions critical to the national civil defense effort.	X		
Management of the Federal Emergency Management Agency—A System Being Developed (GAO/GGD-83-9, 1/6/83)			
The Director, FEMA should:			
• Establish one or more management information systems to systematically provide top management with information for planning, implementing, and evaluating FEMA activities.	X		
• Assign organization responsibility within FEMA for improving or developing management information systems.	X		

Report & Recommendations	Action Completed	Action in Process	Comments
• Develop a procurement reporting process that integrates with the accounting and budgeting systems, and compares the actual and planned status of procurement actions.		X	
• Direct the Requisition Review Board to analyse year-end procurements for fiscal year 1982 and determine whether there is improvement over prior years.			Recommendation no longer valid
• Establish a capability in the Personnel Office to assess whether performance plans are reasonable; relate to organizational goals, objectives, and tasks; and are measureable to the extent practicable.	X		
• Improve the executive development program by implementing the recommendations made by the Office of Program Analysis and Evaluation.	X		
• Complete the review and update all inaccurate position descriptions.	X		
• Develop and implement affirmative action plan goals as soon as the necessary information is available.	X		
• Establish sufficient linkage between the planning, budgeting, and evaluation process to make each one an integral part of the overall management system.	X		
• Use program evaluation results once available in establishing future goals, objectives, and outputs.	X		
• Establish a capability for conducting program evaluations throughout the agency.	X		
• Develop performance reporting systems to communicate progress toward program goals at the top directorate, and regional management levels.	X		

Report & Recommendations	Action Completed	Action in Process	Comments
• Require a consistent planning process for internal directorate activities that would enhance the coordination and oversight of program activities that cross organizational lines.	X		
• Evaluate agency-wide outputs that correspond to program and support activity goals and objectives to determine if they provide adequate and appropriate performance indicators.	X		
• Establish formal periodic reviews of the agency-wide mision and goals statement. This should be an element of the FEMA-wide planning process and could take the form of top management team building sessions similar to those that initially defined FEMA missions and goals.	X		
Consolidation of Federal Assistance Resources Will Enhance the Federal-State Emergency Management Effort (GAO/GGD-83-92, 8/30/83)			
• Director, FEMA should prepare a legislative proposal to remove statutory restrictions which currently prevent or complicate the consolidation of related planning and preparedness programs.		X	
• Pending preparation and approval of a legislative consolidation proposal, the Director, FEMA, should reinforce the administrative consolidation initiative by seeking congressional approval for limited exemption from reprogramming restrictions; and identifying and, to the extent practicable, consolidating related programs presently unconstrained by statutory requirements into one budget program element.		X	
• To further reinforce administrative consolidation and in preparation for the more fundamental legislative consolidation, the Director, FEMA,	X		

Report & Recommendations	Action Completed	Action in Process	Comments
should enhance the agency's capacity to implement a more results-oriented approach to holding States accountable for achieving Federal objectives by: (1) specifying in measureable terms all program objectives and evaluation criteria; (2) improving monitoring and evaluation of State performance in achieving program objectives; and (3) developing and communicating to the States a realistic sanction system, including one or more of the following elements: a) selectively reduce flexibility and increase FEMA controls for objectives not achieved within a given State; b) partially reduce funding to those states failing to achieve objectives; c) withhold predetermined percentage of awarded funds pending year-end FEMA review of State performance.			
• Director, FEMA should also require States, in their application for consolidated assistance, to specify how Federal emergency management programs funded by other Federal agencies relate to the Comprehensive Cooperative Agreement (CCA) and, when implemented, the consolidated FEMA program.		X	
The Federal Emergency Management Agency's Plan for Revitalizing U.S. Civil Defense: A Review of Three Major Plan Components (GAO/NSIAD-84-11, 4/16/84)			
The Director, FEMA should:			
• Direct the establishment of an adequate system for collecting data and monitoring the status of civil defense programs and facilities at state and local levels that will ensure program compliance, identify deficiencies, improve Emergency Operating Center (EOC) and Broadcast Station Protection Program (BSPP) planning and cost estimates.		X	

Report & Recommendations	Action Completed	Action in Process	Comments
• Reevaluate current estimates of the number of BSPP stations needed according to their broadcast area coverage capabilities and adjust BSPP cost estimates accordingly in the FEMA 7-year plan.		X	
• Update principal civil defense policy guidance, such as the National Plan, the Emergency Operating Center Development Manual, the Emergency Communications Manual, and BSPP guidance, so that state and local governments can better plan to meet national civil defense objectives. The availability of updated program guidance would also help convince state and local governments of Federal commitment to a revitalized civil defense and might encourage more state and local participation in civil defense programs.	X		
• Reevaluate current estimates regarding the number, location, and types of Emergency Operating Centers (EOCs) needed for a national network that more closely reflects Crisis Relocation Plan (CRP) requirements, population, existing state and local resources and capabilities, and local participation in civil defense. EOC program cost estimates in the 7-year plan should be revised accordingly and closely coordinated with state and local EOC cost estimates.		X	
• Develop a central information system for determining the status, location, and training needs of individuals receiving training for Radiological Defense (RADEF) program implementation. Such a system is needed so that FEMA can evaluate the ability of the U.S. to implement RADEF training and support that would be needed in the event of a nuclear attack, and develop more accurate RADEF program cost/estimates and plans.			No action taken

Report & Recommendations	Action Completed	Action in Process	Comments
• Update RADEF guidance and course material so that radiological defense officers can more readily obtain current FEMA policy guidance and receive training that more accurately depicts and prepares them for the conditions likely to be experienced in a nuclear attack.	X		
• Direct FEMA regional officials to review the adequacy of State Radiological Defense (RADEF) equipment distribution plans and exercises so that the ability of the states to use federally funded RADEF equipment can be determined.		X	
• Direct FEMA regional officials to review reported RADEF equipment stock levels for accuracy and shortages so that current stock levels can be determined and equipment needed more accurately identified.		X	
• Direct FEMA regions to monitor the degree to which local jurisdictions with completed initial Crisis Relocation Plans (CRPs) are refining CRPs and developing the necessary operational procedures and coordination. FEMA could thus better identify CRP implementation problems, better evaluate the extent of local civil defense participation, and direct limited resources to areas where they would be more effectively used.			No action taken

Mr. **Dellums**. Thank you very much, Mr. Ferber. The Chair would now recognize Mr. Kramer for a statement.

Mr. **Kramer**. Mr. Chairman, might I yield to you for a few questions and then have the opportunity to intervene? I am trying to read a couple more pages of summary material that will better equip me to ask questions. Thank you.

Mr. **Dellums**. Mr. Ferber, you used the term, the phrase rather, "if properly implemented." In fact, you used that twice to underscore the emphasis.

It seems to me that you have to some extent qualified your assessment of FEMA's control of our civil defense funds saying that required controls if properly implemented should eliminate many of the previously noted deficiencies.

Can you give us a little more specific assessment of what you mean by if properly implemented?

FEMA'S HANDLING OF CIVIL DEFENSE FUNDS

Mr. **Ferber**. Yes, Mr. Chairman. Our qualifications are based on a number of factors.

First, the history of examinations of FEMA have shown that while they have put controls in place, problems have continued. In essence, the controls in place have been circumvented or bypassed or just not followed.

Most recently, FEMA, in responding to some of the alleged abuses, has stated that it needs to take more corrective action. Because of the broadness of the work we are doing in response to your request, we were unable to test a sufficient number of transactions during our current audit to determine if everything in place is working as intended.

Also FEMA has not yet implemented the Competition in Contracting Act which we believe would get at some of FEMA's problems.

Mr. **Dellums**. You testified that the basis for using civil defense rather than other funds was not always clear.

Could you explain that a little further?

Mr. **Ferber**. Yes, sir. FEMA has an integrated approach to planning for emergencies which comingles civil defense funds with the other program funds at the State and local level.

An example would be the emergency operating centers where basic resources such as communication and transportation are available to respond to all emergencies. What happens is that funds for civil defense get comingled with other funds.

We did find, as I mentioned, several research projects being funded by civil defense funds that appear to relate more closely to other projects, and it is a judgment call as to which funds would pay for the research.

We also found that in allocating salaries, FEMA does not have an exact system to determine whose salaries should be charged to what activity such as civil defense. It uses a rule of thumb of approximately 60 percent. If a person spends 60 percent of their time on civil defense, for example, then the person's entire salary would be charged for civil defense.

Conversely, people who work a little bit on civil defense, their salaries might not be charged. It is just hard to distinguish exactly what civil defense funds are being used for what.

Finally, we think that the recent IG report questioning FEMA's management controls over the comprehensive cooperative agreements with the States raise serious questions about whether FEMA has a good handle on this program. A majority of FEMA's contracting funds are spent through comprehensive cooperative agreements—about $90 million during fiscal year 1984.

Last year, in another audit on FEMA where we looked at the effectiveness aspects of some areas of civil defense rather than funding controls, we reported that FEMA did not have a good management information system to tell it exactly what is being accomplished at the State and local level and where some deficiencies may be occurring.

In response, FEMA said it was going to take actions to correct that. I can only presume that from the IG report just issued last week that it is still a problem area.

Mr. DELLUMS. Your testimony indicates that FEMA is reconsidering how to spend its fiscal year 1985 funds.

What types of adjustments are being pursued?

Mr. FERBER. They have requested congressional approval to reprogram $5.5 million of civil defense programs to the general salary expenses. As I mentioned, $2.6 million of that, which would come from civil defense, will be spent for other programs.

Also FEMA is considering changes in its budget to include reprogramming other fiscal year 1985 funds out of civil defense, to recognize the sharply reduced fiscal year 1986 program. In other words, they believe that there are some activities in 1985 that should no longer be funded at the level that was appropriated because funds will not be available in fiscal year 1986 to continue those programs.

It is only being considered. We only have some dialog with them. They may be able to provide you more detail.

Mr. DELLUMS. Thank you. You mentioned the Fowler-McCracken Commission in the course of your summarized remarks.

What is the stated purpose of that commission that has received the sole source contract of the $50,000 that you mentioned in fiscal year 1984 and apparently programmed for this fiscal year for what, $150,000, fiscal year 1985?

What is the stated purpose of the organization and what could you glean from your inquiry as to why the funds went to this particular organization sole source?

PURPOSE OF FOWLER-M'CRACKEN COMMISSION

Mr. FERBER. I am not sure we know exactly the stated purpose of the Commission. It is made up of about 50 percent public organizations and 50 percent private organizations.

On the public side there are six Federal agencies that support the Commission—the Departments of Commerce, Education and Agriculture, and the U.S. Information Agency and the Agency for International Development, as well as FEMA.

On the private side, the membership appears to be primarily trade and economic-oriented type businesses, so that is a broad spectrum of representation.

Mr. **Adamsons**. If I may amplify on that, the stated purpose is to promote a partnership between the private business community and Government policy leaders, and in their proposal to FEMA for funding they indicated that these activities will be such as that essential for FEMA's emergency preparedness planning.

Mr. **Dellums**. So they didn't get any more specific than that?

Mr. **Adamsons**. They gave a description, sir, which indicated an objective of Government/business cooperation and strengthening the economic, technological, industrial base for emergency preparedness, and they had five parts to that objective.

It was to be achieved through, first, activating a policy committee on national security; second, designing a survey on strategic needs in and the role of business; third, conducting a planning meeting; fourth, convening a policy committee meeting; and fifth, preparing a 1-year, 3-year and 5-year plan for involving industry leaders in our national defense.

Mr. **Ferber**. That was the proposal that was funded with the fiscal year 1984 grant.

Mr. **Dellums**. You mentioned the names. I would appreciate it if you would repeat them again or identified the other members of the Board of Directors of this agency.

Mr. **Ferber**. I am not sure we have the membership of the Board of Directors. We do have a list of the Federal agencies who support the Commission.

Mr. **Dellums**. I see. Could you give them to me again?

Mr. **Ferber**. The Department of Commerce, Department of Education, Department of Agriculture, the U.S. Information Agency, and the Agency for International Development, in addition to FEMA; we have figures on the Federal support if you are interested.

Mr. **Dellums**. Yes. I want to know whether any or all of the other agencies support the Commission with any direct grants?

Mr. **Ferber**. They all support the Commission. There are no figures available for the current fiscal year. For fiscal year 1984 when FEMA gave them $50,000, the total Federal support was $296,000.

The year prior to that, fiscal year 1983, total Federal support was $222,000.

Mr. **Dellums**. How long has FEMA been a Government sponsor of the Commission? Have you determined that?

Mr. **Ferber**. Fiscal year 1984 was the first year, the $50,000 grant.

Mr. **Dellums**. Do you happen to know what the largest annual budget of the Commission is and what percentage is dedicated to personnel salaries and professional services?

Mr. **Ferber**. I don't think we have a figure on the largest annual budget. I can tell you for fiscal year 1985.

Mr. **Dellums**. I would appreciate that.

Mr. **Ferber**. That was $1.6 million, of which approximately 62 percent was for personnel and professional services, the majority being for personnel.

Mr. **Dellums**. How does FEMA determine whether a contract shall be sole source or competitively bid? Did they give you any criteria as to how they determine, make those judgments?

HOW CONTRACTS ARE AWARDED

Mr. **Ferber**. They do have written procedures on what is required, and we could summarize those for you. However, they are being modified because the Competition in Contracting Act is designed to make more strict, if you will, criteria for awarding sole source contracts.

Would you like some more information?

Mr. **Dellums**. Yes. Thank you.

Mr. **Adamsons**. Their procedures describe the circumstances which permit noncompetitive procurements, exceptions to the requirements for justifying a noncompetitive procurement, and what kind of management review there should be of the justifications.

Briefly the circumstances which would permit noncompetitive procurements would be, that the agency is authorized or required by statute to award a contract to a specified source. These would be such as the 8(a) program that Mr. Ferber mentioned earlier.

Second, if there were a Government need for a product or service so urgent that there was not enough time to obtain competition.

Third, if the data or other specifications needed for competition are not available to the Government so that there are no alternative ways of obtaining competition.

Fourth, if there is only one source that because of its unique capability is the only one capable of meeting the Government's minimum requirements.

Fifth, an award which must be directed to one source because disclosing the property or service to be obtained would jeopardize national security.

Sixth, an award which must be directed to a specific source because it has been determined it is in the public interest to procure standardized items or parts that are interchangeable.

Seventh, an award that must be directed to a specified source because only one source can satisfy the need for an item compatible with existing equipment.

And eighth, basically a follow-on award which would have to be directed to a specified source because it is not feasible to obtain competition for follow-on procurements; but there are additional restrictions and justifications that are required with that.

Exceptions to the requirement for a justification for sole source are those, first, that I mentioned where they are authorized or required by statute to purchase from a specific source; and additional exceptions, briefly, orders under existing contract, modifications within current scope of work, and so forth.

The management review which Mr. Ferber identified in the testimony indicates that the contracting officer can approve sole source up to $25,000, but that over that, the level which must approve the sole source justification depends on the amount, whether it is below $500,000 or above.

Mr. Dellums. Now did you place the $50,000 grant justification to the criteria that determined whether or not from your perspective that sole source grant met the criteria?

Mr. Ferber. We had examined 51 sole source contracts in 1984, and what we found was that the justification did meet the criteria.

Mr. Dellums. In all 51 cases it did meet the criteria?

Mr. Ferber. Yes; The justifications met the criteria and they met the paperwork audit trail that was in place. What we did not do is determine whether the justifications were indeed valid. That is a very time-consuming process for each and every one. You have to do market research, find out who else could have accomplished the purpose of the contract. We just did not have enough time.

Mr. Dellums. Did you decide to pull out one or two at random just to take a look, or that is just something that is too taxing on your shop's ability?

Mr. Ferber. At this point we just did not have the time, sir.

Mr. Dellums. I understand.

Mr. Sisisky. Mr. Chairman—so you just went by the justification that was on the form that they did, is that correct?

Mr. Ferber. That is correct.

Mr. Sisisky. That is how you decided whether it was under the rules that they set up? The eight criteria, that is how you decided it?

Mr. Ferber. Their justification corresponds to their criteria. In their justification they explained in accordance with those criteria that they believe that sole source contract meets the criteria.

Mr. Sisisky. Is that usual auditing practices, to accept the justification that is—and I am not trying to embarrass you, but you know, reflecting back to what the chairman said, it would seem that you would take a sample out. I could understand you would not have the time for 51, but good auditing practices would demand that you do that.

Mr. Adamsons. If we were attempting to independently verify the accuracy of the justifications, that is entirely correct. Because of the time limitations on our assignment, we limited the scope simply to determine that the controls were in place, but to qualify our statement and say that we did not go that second step.

Mr. Sisisky. But why were you doing the study? You know why you were doing the study. It just seems to me that good auditing practices would at least take a sample and check the justification.

Mr. Ferber. With additional time we would have done that.

Mr. Sisisky. This is an ongoing thing? Will you be continuing this?

Mr. Ferber. We are going to be talking to the staff. I believe they do expect us to do some additional work at this point.

Mr. Dellums. If the gentleman would yield briefly, if you will recall, this subcommittee asked them to report back, and perhaps we inadvertently gave them too short a timeframe within which to be capable to do it.

Mr. Sisisky. What was the timeframe?

Mr. Dellums. Last November.

Mr. Sisisky. Oh, my God. You know—I won't say any more.

Mr. Dellums. The gentleman has the time.

Mr. Dellums. All right. Mr. Ferber, another committee of Congress investigated allegations of abuse by FEMA officials with respect to the construction of a kitchen at the National Training Institute in Maryland.

Were civil defense funds authorized by this committee and used improperly at the site? What current use is being made of the kitchen facility and can you describe the size and content and explain how FEMA justified this particular construction?

ALLEGED ABUSE OF FUNDS AT THE NATIONAL TRAINING INSTITUTE

Mr. Ferber. Yes, sir; civil defense funds were used for the construction. About 50 percent of the cost of construction did come from civil defense funds.

Whether the civil defense funds were used improperly would mean whether or not the construction was improper. That has been debated quite a bit now in some committee hearings, and another group in GAO did testify on that in August.

Quite honestly, I guess there is no firm answer. I could summarize what we told the committee last year. Basically it was a reiteration of the differing justifications that we were told by FEMA. We just weren't in a position to say whether it was proper or not.

If I could read a couple of them. The intended use was a matter of differing explanations by various FEMA officials. We got such explanations as the justification for the renovation being for student rooms, for temporary accommodations for VIP guests, for senior governmental officials, for quality student rooms, and space for working and cooking, for classified missions in the event of an emergency, and for a potential residence of the Director of the Training Center.

I believe the Director of FEMA has recently testified that he envisioned that the renovations would be a combination of student rooms and for FEMA residence for the Director of the facility.

The total cost was approximately $367,000. The estimated cost for just the kitchen was $27,821. Mr. Adamsons was just out there a couple of weeks ago so he can answer the other two parts of your question.

Mr. Adamsons. As to the nature of what is the current use being made of the kitchen and the size and contents, at the time we were there, there was no evidence that the kitchen had been used. The stove, for instance, appeared to still have its original coating that it would have had in shipment.

Mr. Ferber. As we understand it, the entire building has not been used.

Mr. Dellums. It has been standing vacant for what, over a year now?

Mr. Ferber. I am not sure when it was completed. We think it was just last fall that it was completed.

Mr. Dellums. Thank you. Please proceed.

Mr. Adamsons. The room, the kitchen room is about 10 by 16. It was very high-quality equipment, a stove that would appear to be like those found in a commercial establishment, and a high-quality refrigerator-freezer, cabinets that appeared high quality, and we were told custom made.

Mr. **Ferber**. One of the expensive items was a fire suppression system for the stove that FEMA has testified it envisioned using as a model because the facility is used quite heavily for fire safety programs. Firefighters can come and look at the suppression system.

Mr. **Dellums**. In the kitchen?

Mr. **Ferber**. Yes, over the top of the stove.

Mr. **Dellums**. So this is really a training facility, the kitchen, for fire suppressants?

Mr. **Ferber**. I was just quoting what FEMA said.

Mr. **Sisisky**. Would the gentleman yield? The kitchen I would assume would be a commercial-type kitchen, is that correct?

Mr. **Adamsons**. It was not a commercial kitchen—just the one item that we referred to. The stove appeared to be.

Mr. **Sisisky**. Twenty-seven thousand dollars for a kitchen is really not exorbitant, I would remind you, if you haven't talked to kitchen people.

The question is, I think the question is was it authorized by this committee?

Mr. **Dellums**. I might answer specifically that question. It was not specifically authorized by this committee.

Mr. **Sisisky**. I thought that is what—I didn't hear the answer.

Mr. **Dellums**. I see.

Mr. **Ferber**. Civil defense funds were used, but I think the construction was authorized by the Committee on Science and Technology.

Mr. **Sisisky**. So it was authorized by a committee of this Congress?

Mr. **Ferber**. That's correct.

Mr. **Dellums**. The question is whether within the framework of their jurisdiction they have the right to authorize any utilization of civil defense funds. Maybe that is not a question these gentlemen can answer, but that is a question we have to answer, to raise with our colleagues.

Let me just ask a couple of questions before I leave this one area that my friend from Virginia, Mr. Sisisky, raised with you.

I certainly can realize that if you get 51 contracts to audit in a short timeframe without adequate staff to do the job that it makes sense to me that it cannot be done, but you see if [illegible] are to get a handle, a better handle on what the implication of these sole source contracts are as opposed to competitive bidding, we have got to be able to have some hard data that we can operate from.

Do you have any suggestions? Do we need to give you additional authorization or additional time in order to look more in depth at this matter so we can come to a much better understanding about how these sole source contracts are used?

Mr. **Ferber**. I agree with your concern, Mr. Chairman. The intent when we looked at the 51 contracts was to look at the controls in place at FEMA. As I explained, to actually get at the justification, an independent justification, is a very time-consuming process for each contract.

I personally believe that we should, that GAO should examine some of those contracts as well as maybe get more involved in light of the recent IG report into the State comprehensive cooperative agreements.

We will be glad to do whatever additional work the subcommittee is interested in, our whole point just being that with the six and seven areas you asked us to get into, it was a very broad look at a very complicated subject that would take an in-depth analysis on each and every one of the points.

Mr. **Dellums.** The Chair is sensitive to that. At this point now that we have got some of that data, we can now focus down some of the areas that I think need to be looked at more substantively, and certainly there is at least a consensus among those of us who are here that at least on some random basis there ought to be some look to determine the efficacy of sole source.

Mr. **Ferber.** Again as I point out, the Competition in Contracting Act which was to be effective in the Government as of April 1, now FEMA is working on that, that will change some of the criteria for future sole source contracts.

Mr. **Dellums.** Does GAO believe that the proper controls are already in place to successfully eliminate abuses if implemented correctly? Do you think that these abuses can be dealt with?

Mr. **Ferber.** Dealt with yes, I am not sure they can be totally eliminated. We believe that controls in place and planned could greatly reduce the potential for abuse if properly implemented.

Again, as the cases have illustrated, at the time that the recent abuses review took place, controls were in place, but they were circumvented. It is our concern that if you have the controls, you also have to have a system to ensure that they are implemented and not circumvented. The inspector general function is one such control. The Competition in Contracting Act, again I don't mean to keep bringing that up, but once that is implemented, that will provide another host of controls.

FEMA has taken a lot of positive actions. We see a lot of positive controls in place. It needs to be monitored internally by FEMA as well as an external organization.

Mr. **Dellums.** I just have one last question. You mentioned this rule of thumb with respect to what accounts FEMA charges salaries to. The note that I made, you indicated that if an employee spends 60 percent of their time on civil defense matters, they could rationalize 100 percent of the employee's salary being charged to that particular program rather than 60 percent from that program and 40 percent from whatever other account?

Mr. **Ferber.** I think various organizations' directors within FEMA gave us differing opinions on how they go about charging that. That seemed to be the rule of thumb. I think we may have some additional information.

Mr. **Adamsons.** There is an update to that. For the time period we were looking at, 60 percent as the rule of thumb applied.

We have been advised that recently there is an additional system which is intended to more accurately estimate that time as it is being implemented. However, we have not yet examined that, this new system.

Mr. **Dellums.** I see.

Mr. **Ferber.** Basically what we pointed out, is that a standard accounting control would be time and attendance reporting where you could appropriately allocate the resources to the correct funding category, in this case civil defense.

Mr. **Dellums**. Mr. Kramer.

Mr. **Kramer**. Thank you, Mr. Chairman. Perhaps given the constraints on your analysis you won't be able to give us any general conclusions. Really there are just several questions that I have, but to the extent that you could, I would appreciate it.

Based on what I read between the lines here in the report, the relationship between the allocation of civil defense expenditures to the totality of the FEMA budget and the actual expenditures by the agency with respect to the allocation of Congress are it seems relatively in line, or am I mistaken?

Mr. **Ferber**. Relatively in line?

Mr. **Kramer**. Yes, in terms of the percentage; in other words, if you were going to make an analysis as to the percentage of civil defense spending that is made up in the FEMA budget in terms of the authorization and appropriation of this Congress and in terms of what the agency actually expended, those funds in relationship to its total budget, they are relatively close as a percentage, or would I be mistaken?

CIVIL DEFENSE PORTION OF FEMA BUDGET

Mr. **Ferber**. Yes. I believe the percentage of the expenditure versus the appropriation would be relatively close, but that would be what they were charging the civil defense.

As we pointed out, there may be some things that are being paid for out of civil defense that aren't necessarily entirely for civil defense purposes.

Mr. **Kramer**. Now to what extent—what is the magnitude of that situation? I know you mentioned a number of individual situations, but from your impressions, what is the magnitude of that problem?

In other words, is that an atypical or typical situation where you may have established for their own record-keeping purposes their outgo looks fairly in line with what Congress seemed to intend in its own authorization and appropriation process? So that raises the question, if that is the case, the records indicate that, then to what extent in terms of a percentage of FEMA activity do you find discrepancies between what in effect was allocated by the agency to civil defense spending and in reality what was the actual spending for?

In other words, I see instances here, but I don't have any idea what we are talking about in terms of the magnitude of the problem. I imagine you can go to every agency in Government and find out something.

Is there something really unusual in their inefficiency here that sort of leaps out at us as a major problem, or is this pretty much what any investigation, of this type, might find in any agency, no matter where conducted or when conducted?

Mr. **Ferber**. I don't think we can give you an exact figure. I guess it could be drawn out if you went to, for example, the emergency operating centers which are funded 100 percent by civil defense funds and determined exactly what portion of their operations were in support of natural and technological disasters.

I guess I don't have an audited answer for you. I don't see it far out of line. Our objective is to try to determine where, to the degree we could, civil defense funds were being spent and what we intended to point out was that there is this gray area where civil defense funds mingle with other funds, and we have no impression that it is a major problem, but again we can't tell you a better figure.

Mr. **Adamsons**. For the contracts that we looked at, the 51 research contracts, the total reported amount from the research account is about $5.5 million. The research contracts that appeared that they may possibly relate to other FEMA programs was on the order of about $1.3 million, say. I believe that would come up to about 20 percent.

Mr. **Kramer**. OK, but it is a research area. The relationship—see, one of the things that we have a difficult job doing, probably don't do particularly well, myself anyway, unfortunately, we do not have time to get educated on each and every one of these items like $5.5 million for research.

What we need to do is conclude as a general proposition—hopefully not micromanage something to death. That makes it even worse than it already is, but get a general impression like the Board of Directors give direction and guidance, and try to correct blatant problems where they exist.

As a tally, how do you describe the problem with respect to those moneys spent for recordkeeping purposes on civil defense and those items that were really perhaps not legitimate civil defense items?

Are we faced with a problem of relatively small magnitude or a lot of gray areas, a lot of judgment decisions, or is this really a major problem where we find that in effect a lot of the money that this committee has authorized for civil defense purposes or perhaps any other committee for that matter is going for purposes that are really unintended by this body as a real problem?

We have some examples of selected situations, but what we need is an impression I think of magnitude, of gravity of, of intensity.

Mr. **Ferber**. I understand your concern, Mr. Kramer. We don't have an impression on that order of magnitude. It would again take a sufficient amount of additional work especially at the State and local level. As I mentioned, the information reporting system is not there to tell you exactly what is going on as far as program objectives at the State and local level. Their objectives are all encompassed in civil defense and other laws.

Mr. **Kramer**. Let me put it another way, maybe address it from a little different perspective, but the same sort of process in mind.

OK. We are not able to really I guess crack, well, the relationship for what they said, what they account for, for civil defense, what they actually did, although your general reaction seems to be it is not a serious problem, but it is a problem area, but it is not a really serious problem.

Let me ask you this. For those areas that were unquestionably intended as legitimate civil defense activities, not the question as to whether or not it was accounted for in civil defense and shouldn't have been, but things that all of us would agree were the area of civil defense—how did they spend the money as a general matter?

Does the expenditure pattern raise questions of inefficiency on a relatively large-scale basis? Does it raise questions of potential wrong doing?

Mr. **Ferber**. We didn't find any indications of potential wrongdoing. The majority of funds do go to the State and local level, though. There is that void of reporting that we were able to sense.

Mr. **Kramer**. For example, you made reference to sole source contracts versus competitive contracts. Is this a real problem in the area as a general matter of civil defense expenditures?

I mean you pointed out instances that might have been, that weren't competed that perhaps might have been, but as a general rule, moneys expended on civil defense for contracts that in your judgment ought to be competed, are they usually competed or is this a problem?

AWARDING OF CONTRACTS

Mr. **Ferber**. The majority of funds that are spent on civil defense are done competitively. We were asked specifically to look at sole source because of the alleged abuses that had been getting a lot of attention in the last few months.

Mr. **Kramer**. What's the last thing you said?

Mr. **Sisisky**. Sole source.

Mr. **Ferber**. Sole source; so we specifically looked at the controls that were sole source because of the media attention and the other congressional oversight, but by far the large percentage of civil defense funds are competed. That is over and above the moneys that go to the State which are the majority of funds.

Mr. **Kramer**. The chairman points out to me that one of the questions apparently that was posed to the GAO by the committee was are contracts awarded competitively or sole source, and why? And would that not include some comment as to whether or not the appropriateness, as to the appropriateness of the way the agency was awarding contracts competitively or on a sole source basis?

Mr. **Ferber**. That is what we intended to do when we looked at the justification—whether or not the systems for justifying sole source procurements were being followed. I don't have the exact percentages, but what we found was $8 million in 1980 was sole source. The majority of funds were competitive.

Mr. **Kramer**. How much? $8 million?

Mr. **Ferber**. $7.2 million were sole source.

Mr. **Kramer**. Of all the contracts?

Mr. **Ferber**. That's right.

Mr. **Kramer**. How much expended?

Mr. **Ferber**. I think the figure is approximately $130 million.

Mr. **Kramer**. OK, so you are talking about——

Mr. **Ferber**. Excuse me. You have to take off the State and cooperative agreements.

Mr. **Kramer**. The kind of information we are asking for, what are we looking at as far as the cost to find that kind of information out?

Mr. **Ferber**. I'm sorry. I didn't understand. To find out what information?

Mr. **Kramer**. Some of the questions that have been asked in relationship to your judgments as to the severity, the nonseverity of the problems in the agency in terms of what they are supposed to do and what they are supposed to be doing.

See, I get the impression as—you pointed out problem areas, but I don't have a big picture of what is going on in that agency, and maybe—I am sure there are materials available that I haven't read. I am trying to run back and forth between the telephone. It doesn't help, but I don't come up with an impression as to how this agency is really being administered. I mean I have heard some charges about people putting kitchens in apartments and things like that.

We have an administration that cut the budget request by $60 billion or something—a third. It's a bunch, or a 33 percent cut.

Are there really things going on consistently, there is a pattern that we ought to really be concerned about, or are we just, is this just sort of a technical analysis of, you know, problems that exist? That is what I am getting at.

I guess I am asking—I don't think we probably have posed apparently the right questions to get that kind of judgment from you, and ask you how much would it cost of the taxpayers' money to have you follow up to get those kind of things.

Mr. **Sisisky**. Would the gentleman yield? One of the questions, what did this study cost? Do you cost out your study? I'm sure you do.

Mr. **Ferber**. Yes.

Mr. **Sisisky**. What did this study cost? I am talking about the taxpayer.

Mr. **Ferber**. It was approximately $60,000.

Mr. **Sisisky**. How many people did you have on this study for 5 months? Do you know that?

Mr. **Adamsons**. We had people on it for about 3 months, and about an average of three people on it for that time.

Mr. **Sisisky**. You had three people for 3 months?

Mr. **Adamsons**. Yes, sir, approximately.

Mr. **Sisisky**. Obviously you didn't think it was very important. I don't mean to admonish you, but I do mean to admonish you.

Were there auditors on there, accountants with the GAO?

Mr. **Ferber**. Yes, sir.

Mr. **Sisisky**. You mean to tell me that the specific question here—let me find it here. Five, isn't it? No? Six—are contracts awarded competitively or sole source, and why? That you would not check the justification of—everything that we do on this committee has got a justification. One thing I found out in the Federal Government, they know how to write justifications pretty good, and we made, this is the base to be sure that the justifications were right, and $60,000 for a study, if I had used Cooper Lybrand, I promise you, in my business I would have fired them.

Mr. Chairman, I hate to get so riled, but this is ridiculous. They are very elementary questions that my colleague was asking over there. Is there something in there that we need to know? You said you didn't even go back to the localities where the money is being spent.

Could you have taken one locality or two localities to go back? Would that be impossible?

Mr. Chairman, I would ask that—are you the Director?

Mr. FERBER. I am in charge of the group that handles manpower, logistics, and reserve affairs.

Mr. SISISKY. I would like the Director of GAO to come before this committee. I'm serious about this. Knowing full well what this was all about, I just don't see anything to the study that I could put my teeth into.

Mr. DELLUMS. If the gentleman would yield, certainly if it is the will of our committee we will ask the Director to come before the committee. The staff will be directed to make that request.

Mr. SISISKY. I am just one person asking for it. I don't know if it is the will of the committee. You're the Chairman.

Mr. DELLUMS. I don't hear any objection, so we will do it.

Mr. KRAMER. Mr. Chairman, my only point is that I don't mean to belabor this, but for whatever reason, I don't—I mean maybe some of the basic questions, the way I conceptualize the problem, not having a lot of technical knowledge, not really having the time to really get acquainted with each comment, we need to come away with a general impression of what we should or should not do in the way of legislative direction with respect to this agency, and I suspect that it is our responsibility in some way to try to get answers to this question, to these questions. I hate to reinvent the wheel here and have these people go back and spend a lot of time and effort if it isn't going to be productive or if it is maybe just because of their recordkeeping. Who knows? Maybe those questions can't be answered. I don't know, but I guess we need to know from our perspective what we could do as a committee to make sure that the agency is doing as well as it could be doing, so I think we need to take those steps necessary to try to get some answers to those questions, and I think in the most expeditious way as possible. I am sort of thinking out loud here.

Mr. DELLUMS. If the gentleman would yield, I think Mr. Ferber, what my colleagues are saying, and I agree with that, is that we are not managers here. We are policymakers, and our job is to try to look at broad policy considerations, and I think the frustration is that we don't have enough information at this particular moment to determine whether there are any policy considerations that we ought to pursue.

We have great difficulty at this point given the information to determine whether there is something there that ought to be pursued, and I am not talking about from the standpoint of generalization. I am simply saying if there is some substantive reason why we should continue to pursue the management policies of FEMA as an agency because taxpayer dollars are being inappropriately used or not used within the statutory confines that they ought to be used, then our responsibility is to act, and I think what my colleagues are saying is that at this point we have difficulty making either one of those judgments, and understanding the mentality of Washington, you know, to be defamed is to be considered guilty until there is enough data on the table that eventually says there is no justification.

Having been one person who has lived through that experience, I understand that very well, and so here is an agency that is now out there. They have been challenged very specifically. If they are wrong, then we want to, we want to know so that that we can make the appropriate policy adjustments or challenge to make sure that that happens.

If they are not, then they are to be given a clean bill of health, say we looked at them and there are no problems here, or there are minimal problems or problems that are under control or can be under control, and then we move past it, but I think what I am hearing my colleagues echo is the frustration that we can't get their hands on either one of those.

Now if you say we could determine that if we had a greater amount of time, then that's fine. I would just like to know because at this point I am not prepared to challenge, to be critical, because if you have come to this moment because of the short timeframe that we have imposed upon you or the other factors, let us know that, but I agree with my colleagues that we have great difficulty with your testimony.

These other folks are going to come here in a few moments and I think I reflect the sense of my colleagues, we are not quite sure what this particular part of the hearing will emit as we meet with these folks after you leave.

Mr. **Ferber**. Mr. Chairman, I understand your frustration. If I could, normally when you do an audit and your request covered some very diverse areas, we would do what we call a survey. We would learn as much as we can about all the different areas, and then we would go and isolate our review work, if you will, on areas that really looked like they deserve the greatest amount of audit effort.

At this point I would categorize what we did as a survey. I put in my statement that we did not have sufficient time to test the number of transactions that we would like to have tested.

We believe that nothing jumps out as being a major problem. However, I think the gentleman who raised the question on the sole source, yes, we would test sole source contracts. Yes; we would go and look at States. One of the problems of being in the auditing arena is if you go to one State or two States, and you find a problem or not a problem, it is not a relative sample. We could do that. We could take a State or two States, and then we could portray what we have done within one or two States.

Government auditing standards would require a sample that was representative, and we would do that. It is not something we could have done within the 3 months that we have been working on it. It is something that we would do on a longer term project than this effort.

Mr. **Dellums**. Now let me ask counsel, do we need any additional action to ask the GAO to give us this additional information? Do we need to take any additional action, any more detailed information for my colleagues?

Mr. **Ferber**. Mr. Chairman, if I could respond to that, no—we are prepared to do follow-up work. We had to cut the work we were doing short in order to prepare for this testimony, but we are prepared to do whatever additional work the chairman or the committee staff feels is needed.

Mr. **Sisisky**. Mr. Chairman, the only thing I don't understand, I don't know whether it is because the budget—and you will have to explain it to me—that if you have a set amount of time and you knew what this committee was looking for, instead of three, could you put six on there? Is that possible, or is everybody tied up? Because we are talking about real money now, and I am going to tell you something. I would like to see your worksheets on the $60,000 for three people for 3 months.

Mr. **Ferber**. That is not salary. That is approximate.

Mr. **Sisisky**. I assume it is salary and overhead?

Mr. **Ferber**. That's right.

Mr. **Sisisky**. That is a pretty good hefty sum. I am not trying to investigate GAO now. I am going to bring that up at a later time. I'm serious about that, because there is something wrong. This is the second time I have had this with GAO, as a matter of fact, and that is why you just happened to be the recipients now. I am saddled now. Back about a year ago I was fairly new, but this is the second time this has happened to me, and I am a little disgruntled. I am going to tell you right now. I guess you can feel it, and you may be mad at me, and that's all right, too, but I just know what good auditing practices are, and this is not good auditing practices. I think I know a little bit about that.

Mr. **Ferber**. Yes; I share your frustrations on the staff resources. We don't have an endless pit of resources. Approximately three quarters of our jobs today are for committee chairmen, and we just don't have enough resources to put three people on each one of our jobs. Some jobs have less. I assume some jobs have more.

I don't know how else to respond. We are limited in resources like everyone else, and history would show that over the years we are getting more and more direct requests and we respond to every single request we get.

Mr. **Sisisky**. What is the yearly budget? What committee does that come under?

Mr. **Ferber**. Government Operations.

Mr. **Dellums**. Mr. Ferber, let me ask this question. Time does not permit an indepth study by the time we mark up this year's budget, so let me ask this question.

Could you give us an indepth report by the next budget cycle?

Mr. **Ferber**. Yes, sir.

Mr. **Dellums**. Now the Chair would like to, without objection, authorize the staff to meet with the appropriate persons in the GAO to specifically lay out that bit of data that we need as per the comments of my colleague from Virginia, the gentleman from Colorado, as well as the Chair, so that the data does meet the needs of this committee as we go about our business.

Is there any objection to that?

Mr. **Sisisky**. The problem is does our staff have the time with markup—you know, we are talking about billions of dollars.

Mr. **Dellums**. We would have to meet, our staff would have to meet with GAO after the markup and markup would have to take priority clearly.

Then without objection, Mr. Ferber, what we will do then is ask for this data for a longer timeframe, and I realize that your statement is that from your professional perspective, this is not an audit. This is a survey.

Mr. FERBER. That is correct.

Mr. DELLUMS. What we are asking you to do is to go to phase 2 with the appropriate amount of time to give us the information. If there is nothing there, we would like to be able to say that so we can go forward, and the Chair would then without objection authorize the staff to meet with GAO to lay out those areas that we would specifically like additional followup.

Is there any additional questions? Mr. Hutto?

Mr. HUTTO. Mr. Chairman, I'm sorry. I have another subcommittee meeting and couldn't be here for the testimony.

I would just like to ask some questions maybe of you or the witness regarding the laws.

Isn't it true that if a contract is $25,000 or more it has to be competitively bid? What are the exceptions to that? Small business, if it comes under the Small Business Administration or it goes to small business, period, is it exempt from that?

SMALL BUSINESSES EXEMPT FROM COMPETITION

Mr. FERBER. The 8[a] Program under the Small Business Administration is exempt from competition. Earlier we did respond to that question, reading several criteria that exist in FEMA regulations on what justifies going sole source as opposed to competitive.

Mr. ADAMSONS. I will be glad to read them again for you if you like, sir.

Mr. HUTTO. If it is not too lengthy.

Mr. ADAMSONS. Not at all; the circumstances permitting noncompetitive procurements: First, where the agency is authorized or required by statute to award a contract to a specified source such as the handicapped, prison industries or Small Business Administration—the 8[a] Program. Second, if the Government need for a product or service is so urgent that there is not enough time to obtain competition, but the urgency in itself doesn't necessarily justify the decision unless fully supported by the total facts of the situation. Third, where the data such as drawings or other specifications needed for competition are not available to the Government and there are no other alternative ways of getting competition. Fourth, there is one source that because of its unique capability is the one capable of meeting the Government's minimum requirements. Fifth, an award must be directed to one source because it has been determined that disclosure of the property or service to be obtained through more than one source would jeopardize the national security. Sixth, an award which must be directed to a specific source because of the need for standardized equipment or equipment with interchangeable parts. Seventh, an award which must be directed to a specified source because only one source can meet the Government's need for an item that is compatible with existing equipment, and then eighth, where there is a followon award that must go to a specified source because it is not feasible to obtain competition for followon procurement.

Now these are restrictions within existing FEMA requirements. They are in the process of modifying these procedures to meet the needs of the Competition in Contracting Act.

Mr. HUTTO. The list of exemptions or exceptions that you just gave to me, is that in law or is that part of FEMA's regulation?

Mr. ADAMSONS. This is part of FEMA regulation, but it was in relation to the law that was in effect prior.

Mr. HUTTO. Prior to April 1?

Mr. FERBER. In April 1 of this year, the Competition in Contracting Act amended Federal procurement regulations to make the criteria stricter for sole source procurement. FEMA is in the process now of implementing that.

Mr. HUTTO. So under law that has just become effective, a number of those exemptions would be eliminated? You would have a much shorter list, is that correct?

Mr. ADAMSONS. A tighter list; the Competition in Contracting Act, I believe, has seven exemptions in its list.

Mr. HUTTO. All right. Thank you.

Mr. DELLUMS. The time of the gentleman has expired. Mr. Ferber, Mr. Adamsons, we would like to thank you very much for your contribution before this committee this afternoon.

As the Chair indicated, we will instruct staff to meet with you around whatever appropriate questions, whatever questions you deem appropriate, and ask you that you provide that information in time for the next budget cycle.

Mr. FERBER. Very good.

Mr. DELLUMS. We appreciate your presentation, and thank you very much.

Our next witnesses are Mr. Joseph Moreland, Assistant Associate Director, Emergency Management Programs, Office of State and Local Programs, FEMA, and Mr. William Chipman, Chief, Emergency Management Planning Division, Office of National Preparedness Programs, FEMA.

We would like to welcome both of you gentlemen before the subcommittee this afternoon. The Chair would note that you are accompanied by additional colleagues. We would appreciate it if you would identify them for the record, please.

Mr. MORELAND. Indeed, Mr. Chairman, I am Joe Moreland, Assistant Associate Director, Emergency Management Programs.

Immediately to my left is Dr. William Chipman who is the Chief of the Emergency Management Planning Division, and to his left is Mr. Trey Reid, who is the Executive Officer to the Office of Civil Preparedness.

Mr. DELLUMS. We welcome all three of you gentlemen.

STATEMENT OF JOSEPH MORELAND, ASSISTANT ASSOCIATE DIRECTOR, EMERGENCY MANAGEMENT PROGRAMS, OFFICE OF STATE AND LOCAL PROGRAMS, FEDERAL EMERGENCY MANAGEMENT AGENCY, ACCOMPANIED BY DR. WILLIAM CHIPMAN, CHIEF, EMERGENCY MANAGEMENT PLANNING DIVISION, OFFICE OF NATIONAL PREPAREDNESS PROGRAMS, FEDERAL EMERGENCY MANAGEMENT AGENCY; ARCHIBALD REID, EXECUTIVE OFFICER, OFFICE OF CIVIL PREPAREDNESS, FEDERAL EMERGENCY MANAGEMENT AGENCY

Mr. MORELAND. We represent myself, the State and local directorate of FEMA, and Mr. Chipman and Mr. Reid are representing the National Preparedness directorate which are two of the principal directorates of the agency.

The Government operations and the training and education directors are not present with us today. Between us we will attempt to give clarification to the best of our ability, and be very happy to carry back with us for completion on the record any questions that we are unable to deal with.

Mr. DELLUMS. Thank you very much. The Chair would like to begin the questioning. You gentleman were here during the testimony of the GAO. Let me ask this question.

Why does FEMA use civil defense funds for specific activities which at least appear to have their own source of funding?

FEMA'S USE OF CIVIL DEFENSE FUNDS

Dr. CHIPMAN. Mr. Chairman, well, first let me say that the Civil Defense Act was amended in 1981 through, as I recall, an initiative from this subcommittee, to redefine civil defense not purely as protection of life and property against enemy attack but rather protection of life and property in the United States against attack and natural disaster—natural disaster later being defined in those amendments as including various man-made peacetime catastrophes as well as tornados and other natural disasters, so it has been multiple purpose by statute at the Federal level.

We have made—I believe you are aware, Mr. Chairman, from our Director's testimony this year and indeed for the last 2 years—great efforts to maximize the multiple use application of the funds that are appropriated under this committee's authorization for civil defense to get obviously the most progress we can, the most advantage for every dollar spent.

If, for example—well, fire is a problem in peacetime. Fire clearly would be a problem if there were ever a nuclear attack—which there has not been and we hope there never will be. Obviously, a great deal of research that relates to fire phenomena would inescapably be multiple purpose in nature. It is applicable—I'm afraid I am not speaking as a fire expert or scientist, either one—but fire research would be applicable in peacetime fires, and it would be applicable as well for nuclear attack situations.

Mr. DELLUMS. So then if I understand your testimony, Doctor, what you are saying is that in 1981 as a result of congressional amendments, it changed the nature of your mission which brought into existence the integrated emergency management system, and that I think what I hear you saying is that that agency came into existence, but the accounting techniques have not caught up with the design of your agency? Is that in effect what you are saying?

Dr. CHIPMAN. I'm sorry. I wasn't as clear as I might have been, Mr. Chairman.

The agency, of course, was brought together from five previously existent agencies with emergency-related missions—Fire Administration, natural disaster relief, civil defense, and a couple of others.

There are various statutory authorities that govern the several programs. We have tried to the maximum extent that we can in the civil defense program to realize multiple-use benefits, multiple-hazard benefits, from the dollars that are expended—whether for research or emergency operating centers or anything else. We think it only makes sense, as our Director stressed in terms of the integrated emergency management approach, to do as much as possible toward alleviating impacts of peacetime disaster, natural or otherwise, plus if there ever were an attack disaster, to attempt to mitigate those.

Mr. DELLUMS. Let me ask this question. If civil defense funds are used to fund studies specifically aimed at activities, some of which you alluded to such as the Fire Administration or radiological emergency preparedness, then what is the purpose of the separate programs that fund these activities?

You do have separate funds for these activities. If you are using civil defense funds for these activities, what is the purpose of the separate funds and separate programs for these very same activities?

FUNDING VARIOUS ACTIVITIES

Dr. CHIPMAN. I am afraid I am not intimately familiar with these other programs. I think they are in the area of $6 million or $8 million a year perhaps for the Fire Administration activities, and I think you mentioned radiological emergency preparedness. That has to do with accidents at nuclear powerplants. They do fund a number of activities of their own.

In the area of research, there are commonalities which, you know, we try to capitalize on to avoid duplication and to have research be applicable where it can be and to the maximum extent that it can be, to be applicable to the several programs.

I had occasion to review the research projects briefly from fiscal year 1984 yesterday, and there was a project in there that had to do with a modeling technique for evacuation movement which I think was applicable to radiological emergency preparedness, that is to say, the nuclear reactor accident area. But it would appear to me to be applicable as well to evacuations such as might be required by other peacetime hazards or events, toxic, chemical perhaps, or a severe international crisis.

Mr. DELLUMS. Well, I can appreciate your answer. To be very honest, what we were attempting to determine was—first of all, we realize that these other separate programs were funded at a rather low level. What we honestly wanted to find out was because they are funded at a lower level, were you using civil defense funds to beef up that budget. That is straightforward. That is what we were trying to determine, and that is really the question we are asking.

Is it because of the small nature of, the low-level nature of the funds? Did you have to go to civil defense funds in order to finance programs that could normally fall in the separate categories but didn't because you didn't have the funds? I mean that is a straightforward enough question.

Dr. CHIPMAN. I think I can say, Mr. Chairman, that we have attempted to apply the funds so that they are applicable to civil defense programs, for peacetime and attack hazards, but also where possible are applicable as well in these other areas. We made an assessment ourselves—which I think we have not shared with the GAO people but will be glad to—that roughly three-quarters of the research projects in 1984 and 1985 were indeed multiple use in content.

It may be that there is now one here, or one there where it was indeed a judgment call, but I suppose we would have to adjust those one at a time in detail.

Mr. DELLUMS. I have five questions that I would like to ask against this backdrop. Included in your fiscal year 1984 expenditures for civil defense research was $176,627 as part of a long-term examination of how to spend rapid increases in civil defense funds and to develop detailed plans for doing so.

In view of the current uncertainty in planning for the civil defense role in national security and the drastically reduced civil defense budget being proposed, I would like to ask the following five questions.

First, has this contract now been terminated? If so, when? If not, why not?

Dr. CHIPMAN. No, sir; it has not. It was to be completed I believe in four phases which were in fact competitively awarded, to the best of my recollection, and a fifth phase is to be awarded competitively this fiscal year.

The reason that we have the contract and the reason I believe that it makes sense to do so, it is actually by way of a hedge. We know the request for the 1986 program, as the auditor's report said, has gone down significantly. This contract is to provide detailed planning—it has been going on for 4 or 5 years, I believe—detailed plans as a hedge against the possibility that there might be a radical change in the international situation and that the perception of the country and indeed the Congress and the administration as to the need for civil defense would change. Would there be a way suddenly—if the guidance were to develop as good protection as we could in a period of perhaps a year, give or take—would we be in a position to do that?

The term that is used I think sometimes around town is surge, in other words, to rapidly accelerate. So that is what this contract is meant to do, Mr. Chairman, it is to develop the detailed plans as to how one could do all sorts of things that we are not doing now.

Mr. DELLUMS. I would yield to my colleague.

Mr. SISISKY. Would the chairman repeat his question? I don't think I understood his question.

Mr. DELLUMS. The question was has the contract now been terminated? If not, why not? If so, when? And if not, why not?

His answer was the contract had not been terminated, that four phases of the contract had already been competitively bid and let.

There is one additional phase of the contract that has to be let at some time in the foreseeable future, and then the rest of the gentleman's testimony was to point out the rationale as to why that has taken place.

Mr. SISISKY. Thank you.

Mr. DELLUMS. So he did answer the question.

Mr. SISISKY. Thank you.

Mr. DELLUMS. Had you concluded your answer to that question?

Dr. CHIPMAN. Yes, sir.

Mr. DELLUMS. I accurately portrayed the comments you made as to that, is that not correct?

Dr. CHIPMAN. Yes, sir.

Mr. DELLUMS. If you have already competitively let four phases of the contract, then my next question is to date, what benefits have resulted from this contract?

Dr. CHIPMAN. We have obtained a rather substantial amount of documentation, I think a bookshelf that is on the order of a foot and a half of details in a number of different areas as to what one could do to rapidly hire perhaps 20 or 30 thousand engineers and urban planners and to develop emergency plans, what we could do to very rapidly within perhaps 1 year, develop emergency operating centers where they don't exist.

In general, Mr. Chairman, it is probably analogous to the plans that I understand the military people made say in the 1930s. They had a very small army but then they were able to expand it in 1940 from 100,000 men or thereabouts to a number of millions within just a very few years. They had plans for building the camps, for procuring the materiel, the trucks and the weapons and the rest. It is analogous to that.

It is a hedge against, as I said, a situation arising on the international scene that would change quite markedly our perceptions in this country of the need.

Mr. DELLUMS. How much money have you spent so far on the first four phases of the contract?

Dr. CHIPMAN. I might need to amend it for the record, Mr. Chairman. I believe it is on the order of perhaps $600,000, maybe $700,000 over perhaps the last 4 years.

Mr. DELLUMS. Now were all of the phases of this particular project bid competitively or were they sole-source contract?

I think you said, I know the fifth was bid competitively and you might have said four. I don't recall now.

Dr. CHIPMAN. Again, subject to my memory not being perhaps precisely accurate, I believe that the first phase—which was sort of the concept and design of this approach—was bid competitively, that there was then another competitive bid for a three-phase contract, that was bid as a bundle, but only the first year was funded, and then there were options to pick up the second and third year.

It may not be precisely like that, but that is very close.

Mr. DELLUMS. Now if I understand you, is it your testimony that this contract was let to develop contingency plans for absorbing substantial growth in staff as opposed to research on how to spend more money?

One assertion was that, you know, you asked how can you spend rapid increases, but I heard you were saying that you were developing contingency plans on how to absorb a substantial number of staff people.

Where was the emphasis?

Dr. **Chipman**. On both actually, sir. Let's say you wanted to develop 2,000 or 3,000 emergency operating centers throughout the country. In a year's time you would need a number of civil and electrical engineers to do that. In that case I think it is 600 or 800, and you would need to hire those personnel on some temporary basis.

It would be perhaps analogous to the way the census is put together every 10 years. It starts with I think only a regional office, not even one person in a State. They rapidly put together an apparatus. They hire people. They get desks, telephones, train them, send them out to do their enumerations, and then disband the operation after the end of I suppose 6 or 8 months. It would be analogous to that, sir, so there would be a lot of temporary hiring which would indeed account for substantial amounts of funding.

There would also be contracting for construction, for example, of emergency operating centers, presumably by construction contractors, in counties around the country.

Mr. **Dellums**. Just one final question in this regard, and I can move to another area. If it is simply a judgment call on your part, I would appreciate it if you would give me your judgment.

Given the fact that we are now in this atmosphere of uncertainty with respect to where we go with civil defense, we have got star wars and other things pending, and against the backdrop of this more conservative budgetary environment within which we find ourselves, do you still think that this was an appropriate utilization of funds?

Dr. **Chipman**. Personally I am very much convinced of it, yes, sir, that it is a hedge in case circumstances should change quite markedly from what we see them as now.

Mr. **Dellums**. In the fiscal 1986 budget submission, FEMA requested that $5.6 million of fiscal 1985 funds be transferred from the civil defense line item in the emergency management planning and assistance appropriation to various line items within the salary and expenses appropriation.

Why does the proposed appropriation transfer come only from civil defense program funds to support the entire agency's salaries and expenses?

That was mentioned as well in the GAO part of this hearing.

Dr. **Chipman**. Yes. I'm sorry, Mr. Chairman. As you perhaps know, our senior staff are engaged right now today with the appropriations hearing, our Comptroller, Budget Officer——

Mr. **Dellums**. This is not an appropriate question to ask you?

Dr. **Chipman**. Might we provide that for the record?

Mr. **Dellums**. Sure. I understand if you are not the appropriate people to answer the policy questions, then it is inappropriate to ask. We will ask the appropriate people.

Are you the appropriate persons to ask with respect to the Competition in Contracting Act as to what steps FEMA is taking to ensure that it is properly implemented and the circumstances of this?

Mr. **Moreland**. Mr. Chairman, that is one, too, we would like to get back to you for the record. We are not the appropriate persons for that.

Mr. **Dellums**. The testimony indicates that one of the problems in controlling civil defense funds is that the controls in place were not followed.

In addition to the efforts you have described to put new controls in place, what has FEMA done to ensure that the controls will now be enforced? Would you answer that question? And then if you can give a broader answer for the policymakers, I would appreciate that as well.

Mr. **Moreland**. We can. I could address, interpreting your question a bit—you may care to clarify it—with respect to some of the discussion as to how we are administering the funds under the Civil Defense Act which we pass to State and local governments through the Comprehensive Cooperative Agreements. We have taken very serious evaluation of that and are making some changes that we think are very substantive and would satisfy the oversight role of the committee looking at that.

However, with respect to those funds which are expended at the Federal level within the Agency, I think those questions we would have to provide for the record with respect to the procedures followed or not followed on that.

Mr. **Dellums**. Are there any additional questions of my colleagues? Do any of my colleagues seek recognition?

Mr. **Sisisky**. That last question, did it pertain to State civil defense funds?

Mr. **Dellums**. No, I was primarily talking about the Federal plan.

Mr. **Sisisky**. OK.

Mr. **Dellums**. Are there any additional questions of staff? I have an additional set of questions here that we would submit to you and ask you to forward to the appropriate personnel in your agency and ask that they respond as quickly as they can.

You heard the comments earlier. We have asked GAO to look in certain areas, and our concern is a very, very legitimate concern. If there have been questions raised with respect to your Agency, then if they don't exist, that cloud has to be removed. I feel very strongly about that.

If there are areas that need to be corrected, then we have a responsibility to assist at the policy level in trying to correct those matters. Then we have a responsibility. We are not here on a witch hunt. We are not here to attempt to do your job, to get involved in the day-to-day administration of the job.

We are trying to maintain our posture as policymakers and people concerned about the efficacy of the utilization of taxpayers' funds, and so we will submit these questions to you and ask you to get back to us in that regard, and if you have any additional questions of where this whole thing is, staff will be more than able to communicate with you about that.

Mr. **Moreland**. Thank you. I can assure you for our part we will be very forthcoming in following your areas of inquiry.

Mr. **Dellums**. Thank you very much.

[The following questions were submitted to the witness to be answered for the record:]

Question. The GAO testimony indicates that civil defense research expenditures include studies whose purposes appear primarily related to other activities, such as fire administration, resource preparedness, and radiological emergency preparedness. Even recognizing that civil defense expenditures can often benefit other programs and activities, why does FEMA use civil defense funds for specific activities which have their own sources of funds?

Answer. At the April 17, 1985, hearings before the Subcommittee on Military Installations and Facilities, House Committee on Armed Services, one of the Federal Emergency Management Agency (FEMA) witnesses addressed this question. The witness noted that section 2 of the Federal Civil Defense Act of 1950 was amended in December 1981 to define civil defense as ". . . protection of life and property in the United States from attack and from natural disaster." The last four words were added, and expanded the definition beyond attack alone, as had been the case prior to December 1981. (The words "natural disaster" were defined elsewhere in the 1981 amendments to include explosions and "any other manmade catastrophe," as well as hurricanes, tornadoes, floods, and other natural disasters.)

He also noted that FEMA's programs and activities included, among others, the U.S. Fire Administration (funded at some $5.2 million in FY 1984 and $9.7 million in FY 1985), Resources Preparedness (funded at some $4.9 and $5.1 million in FY's 1984 and 1985, respectively), and Radiological Emergency Preparedness ($5.8 and $6.3 million in FY's 1984 and 1985).

These are all non-civil defense (CD) programs, with activities described in non-CD portions of the FEMA budget. Review of the budget indicates that in each of the three programs noted there was substantial investment in FY's 1984 and 1985 in contract work of a research, developmental, or analytical nature.

For example, FEMA's Radiological Emergency Preparedness (REP) activity was initiated in response to a December 1979 Presidential assignment to FEMA to take the lead in offsite emergency planning response for commercial nuclear power facilities. In FY's 1984 and 1985, the REP activity has included contract work in a variety of areas. These included, among many others, development and exercise of a Federal Radiological Emergency Response Plan; development of an alert and notification model; and development of software for an Exercise Evaluation and Simulation Facility (EESF), (now part of the Integrated Emergency Management Information System (IEMIS).

The latter project was designed to support the REP exercising program. However, in keeping with FEMA's Integrated Emergency Management System (IEMS), it has modelling applications in other areas where FEMA provides support to State and local governments (e.g., evaluating evacuation plans for hurricanes, releases of toxic materials, and other hazards which may threaten people's lives or well-being). That is, it has civil defense application although it was not developed with civil defense funds.

Similarly, FY 1985 work in the area of Resources Preparedness includes contract support to improve nuclear damage estimates for national leaders in national security emergencies. This Resources Preparedness activity is applicable to civil defense, although civil defense funds are not being used for the contract support required.

As the witness stated at the April 17 hearing, FEMA has made intensive efforts to apply the integrated emergency management concept to civil defense research as to all other FEMA programs and activities. The basic intent is to assure that funds allocated for civil defense research also have payoff, to the maximum extent feasible, to hazards in addition to nuclear attack.

FEMA staff have reviewed FY 1984 and 1985 civil defense research projects. FEMA estimates that of its 70 FY 1984 projects, 53 were multiple-hazard in nature; in terms of funds, some $3.9 million (70 percent) of the FY 1984 total of $5.5 million was obligated for the 53 projects with multiple-hazard application. In FY 1985, 17 of the 23 CD research projects are multiple-hazard in nature, involving some $1.7 million (75 percent) of the $2.2 million total. The remaining FY 1984 and 1985 projects were assessed as being essentially attack-oriented.

Thus, it is quite true that some of the FY 1984 and 1985 projects funded with CD research monies were or are related to such areas as Radiological Emergency Preparedness (REP), resources preparedness, and fire phenomena and countermeasures. However, such projects are not primarily related to such areas, but are rather multiple-purpose in nature. For example, in FY 1984, $175,000 of CD research funds were used to support development of a Regional Evacuation Model. While development of this model was undertaken in support of the hurricane program within

IEMIS, it is designed for planning and exercising regional-scale evacuations regardless of the hazards which might require population evacuation. The CD funds involved were a small part of the total, although the evacuation function is a critical CD element for many hazards.

In summary, FEMA has exerted its best efforts to realize multiple-hazard benefits from all expenditures to the maximum extent feasible, including expenditures for CD research. On the order of three-fourths of the CD research expenditures have mulitple-hazard application—in consonance with the Integrated Emergency Management System (IEMS) and the 1981 amendments to the Federal Civil Defense Act. But this is not a one-way street, in which CD funds are used for "activities which have their own sources of funds." To the contrary, funds from non-CD programs and activities support research, development, or analyses whose multiple-hazard applications include civil defense—such as the examples cited from the REP and Resources Preparedness areas.

Question. If civil defense funds are used to fund studies specifically aimed at activities such as fire administration or radiological emergency preparedness, then what is the purpose of separate programs and funds for those activities?

Answer. Please see the response to preceding question.

Questions. Included in your 1984 expenditures for civil defense research was $176,627 as part of a longer-term examination of how to spend rapid increases in civil defense funds, and to develop detailed plans for doing so. In view of the current uncertainty in planning for the civil defense role in national security, and the drastically reduced civil defense budget being proposed:

a. Has this contract now been terminated? If so, when? If not, why not?

b. What benefits have resulted from this contract?

c. How much money has been spent on this research effort since inception?

d. Were all phases of this work procured competitively?

e. Why did FEMA let a contract on a research effort on how to spend more money?

Answer. As the FEMA witness testified at the April 17, 1985, hearings the contract has not been terminated. Its purpose is to provide a hedge should future international events ever result in a marked change in U.S perceptions as to the need for civil defense, resulting in a decision to improve such capabilities on a highly accelerated basis, by relatively large expenditures over a relatively short period, such as a year. Historically, there is at least one example of such a "surge" in civil defense activity, that in Great Britain between the September 1938 Munich crisis and the outbreak of World War II eleven months later. British civil defense capabilities were very limited at the time of the crisis, which resulted in consensus that they should be substantially and rapidly improved. This was done, and some of the capabilities were put to the test successfully in September 1939.

The contract effort has resulted in a standby basic plan for highly accelerated development of civil defense systems and capabilities, plus a number of detailed supporting, annexes and related documentation. Funds invested in this effort in FY's 1978 through 1984 total $752,280. This included development of an outline plan funded in FY 1978 ($138,616); a detailed annex on development of Emergency Operating Centers funded in FY 1981 ($107,618); and a three-phase contract effort in FY's 1982, 1983, and 1984 (totalling $506,046 for the three phases).

Each of the three contracts involved was competitively awarded. An additional effort funded with FY 1985 funds in now (April 19, 1985) in the process of competitive procurement. Because this procurement has just been announced in the Commerce Business Daily, and various offerors may be developing proposals, it would be improper to note FEMA's estimate of the level of effort and funding involved; in any case, the final amount remains to be established during the procurement process.

In sum the contract effort outlined is to prepare detailed standby plans for use should the need ever arise to improve civil defense capabilities on an accelerated basis. Such contingency plans appear entirely appropriate to the current situation as regards civil defense, including the FY 1986 reductions required by the need to reduce the Federal deficit. As the FEMA witness noted at the April 17 hearings, such civil defense contingency planning is perhaps analogous to the planning done by the Military Services in the 1930's. Although the Army was at a strength of some 100,000 men, contingency plans were developed in detail for such actions as mobilizing reserve forces, building tranining camps, and procuring equipment and materiel.

APPROPRIATION TRANSFERS

Questions. In the FY 1985 budget submission, FEMA requested that $5.6 million of FY 1985 funds be transferred from the civil defense line item in the emergency management planning and assistance appropriation, to various line items within the salary and expenses appropriation. Why does the proposed appropriation transfer come only from civil defense program funds to support the entire agency's salaries and expenses?

Answer. The 1985 appropriation transfers totaling $5,572,000 from Emergency Management Planning and Assistance (EMPA) to Salaries and Expenses (S&E) is proposed from the following Civil Defense program elements:

Protection of industrial capability, $1,500,000; research, $2,000,000; telecommunication and warning, $2,072,000; total, $5,572,000.

Of this amount, $2,965,000 is proposed to be transferred to the Civil Defense program for the 1985 costs of the pay raise and for salaries and benefits shortfalls in Civil Defense.

The 1986 request for Civil Defense is more than $62 million below the 1985 appropriation level. Certain Civil Defense programs, such as Protection of Industrial Capability and Research, have proposed significant funding reductions. Because of these requested reductions, it was determined that diverting funds in 1985 from these areas would have the least programmatic impact. It was also determined that these were the areas where uncommitted funds existed at the time the transfers were proposed.

Questions. The Competition in Contracting Act, Title VII of the Deficit Reduction Act of 1984, became effective on solicitations issued on or after April 1, 1985. What steps has FEMA taken to ensure that it has properly implemented that Act?

Answer. FEMA has taken the following steps to implement the Competition Act:

1. On January 11, 1985, the Director appointed a Competition Advocate under the provisions of the Competition in Contracting Act 1984. In that announcement he indicated his complete support for full and open competition in the acquisition of supplies and services to meet FEMA's needs. This Competition Advocate was given these responsibilities:

a. To review the procurement activities of the Agency and to identify actions taken to promote full and open competition as well as any condition that has the effect of restricting competition.

b. To prepare annual reports on steps taken to increase competition and identification of barriers to competition that still remain.

c. To review all procurement plans for all proposed sole source requirements.

The Chief of the Policy and Evaluation Division was selected to be FEMA's Competition Advocate since he does not have operational contracting responsibilities thereby giving him a sufficient degree of independence from the contracting process.

2. In order to formalize the role of the Competition Advocate FEMA has just completed a revision of its procurement regulations which places this function and responsibilities into a statement of official FEMA policy. These regulations have already been reviewed and approved by OMB and will be published in the Federal Register within a couple of weeks.

3. In order to disseminate information with regard to the new Act and the emphasis on tighter sole source procurement FEMA has done the following:

a. Revised its Agency instruction with regard to the Procurement Review Board and Advance Procurement Planning to describe the role of the Competition Advocate.

b. In January of 1985 an Acquisition BUY-LINE newsletter was distributed to every employee in the Agency to explain the Competition Advocate's role and the new emphasis on competition.

c. Standard operating procedures which provide guidance to the contracting personnel have been revised to reflect this same guidance.

Question. Since FEMA did not meet the April 1, 1985, deadline for issuing supplemental regulations what are FEMA's interim plans?

Are interim regulations planned?

Answer. We are under the impression that we have met the April 1, 1985, deadline in that we submitted proposed regulations, which were revisions to our existing regulations with necessary changes made to implement the Competition in Contracting Act, to OMB in March for their review. We were informed previously by the Office of Federal Procurement Policy in OMB that our deadline was to submit regulations to OMB before April 1, 1985, which was done. Our regulations have already been reviewed and approved by OMB with very minor changes. Subsequently we have made these changes and the final regulations are receiving final Agency review at this time and will be sent to the Federal Register for publication within a week to 10 days. Interim regulations are not planned and do not appear to be necessary as our formal regulations to implement the Competition in Contracting Act will be published in the Federal Register in April or May of this year.

Question. Will the supplemental regulations be published in the Federal Register for public comment?

Answer. Yes, the regulations described above will be published for comment but will also be effective immediately. These regulations will be revised as necessary based on comments received.

Question. Testimony indicates that one of the problems in controlling civil defense funds is that controls in place were not followed. In addition to the efforts you've described to put new controls in place, what has FEMA done to ensure that the controls will be enforced?

Answer. The Director has established a Procurement Review Board composed of key advisers from his administrative staff, his policy staff and his legal staff to provide an additional review of all significant FEMA procurement actions for compliance with all programs, policy and legal directives applicable to the proposed actions. This board has the full authority of the Director to monitor and enforce compliance with applicable regulations and policy.

Question. Please explain the basis for determining that there is no conflict of interest in FEMA providing a grant to an organization on which the Director, FEMA, serves as an officer. Also, please explain why the civil defense funds for this grant tripled from $50,000 in 1984 to a planned $150,000 in 1985.

Answer. The question relates to the International Management and Development Institute (IMDI), which was discussed in the statement of the General Accounting Office (GAO) representatives at the April 17, 1985, hearing before the Subcommittee on Military Installations and Facilities, House Committee on Armed Services.

IMDI is a non-profit, non-lobbying educational institute funded in 1969 to enhance government-business relations and acts as the management arm of the bipartisan Fowler-McCracken Commission.

The Fowler-McCracken Commission is a non-governmental entity. It is co-chaired by former Treasury Secretary Henry Fowler and former Council of Economic Advisers (CEA) Chairman Paul McCracken. Eleven Members of Congress (Senate and House) are members of the Fowler-McCracken Commission, as well as Cabinet officers and other senior officials of the Executive Branch. Louis O. Giuffrida, Director of the Federal Emergency Management Agency (FEMA), is one of the members of the Commission. The Commission's Congressional Advisory Council consists of 32 Congressional staffers (Senate and House).

FEMA is one of the Government Sponsors of the Commission, as are the Departments of Agriculture, Commerce, and Education, the Agency for International Development (AID), and the United States Information Agency. The secretaries or directors of these departments and agencies and the Administrator of AID are members of the Commission.

The Commission has various Policy Committees. The Policy Committee on National Security is Co-Chaired by Director Giuffrida, Mr. Robert Anderson, Chairman and Chief Executive Officer of Rockwell International, and Representative Bill Nichols of the House Armed Services Committee. There are 23 members of the Policy Committee on National Security. These are distinguished individuals from government and the private sector and include Senators Jake Garn and Pete Wilson and Representatives Marjorie S. Holt and G. William Whitehurst.

The Secretary of Commerce, the Former Secretary of Energy, the Administrator of AID, and a former Director of USIA all hold Policy Committee Co-chairmanships similar to that held by Mr. Giuffrida. There is no remuneration of any kind for chairing Policy Committees of the Commission.

In FY 1984 FEMA awarded a $100,000 grant to IMDI to provide a forum for business, industry and government to provide the basis for permanent, long range strengthening of the emergency preparedness of the U.S. industrial base. Of the amount, $50,000 was from civil defense (CD) funds, while the remaining $50,000 was from non-CD funds. Activities have included: (a) Activation of the Commission's Policy Committee on National Security, described above; (b) assessment of ways in which the business community can participate in strengthening the industrial base at the local and national levels; (c) holding on November 13, 1984, a major National Security Policy Committee meeting to discuss needs, the Nation's ability to respond, and new initiatives government and business could take to strengthen industrial preparedness; and (d) preparation of long-range plans for improvement.

FEMA's General Counsel has ruled that there is no conflict of interest in Director Giuffrida's role in co-chairing the Commission's National Security Policy Committee. A copy of the General Counsel's memorandum of May 31, 1984, is attached.

FEMA does plan to pursue efforts in FY 1985 related to the 1984 activities, and proposes to use civil defense funds. The FY 1985 funding will support an expanded effort, building on the 1984 work; FEMA plans to conduct three industrial preparedness conferences, one national in scope and two regional (one each on the East and West Coasts). The FY 1985 work was originally anticipated for IMDI, but it will instead become a full open competitive contract in accordance with the Competition in Contracting Act effective April 1, 1985. The exact amount of the award remains to be established during the acquisition process.

[Attachment]

FEDERAL EMERGENCY MANAGEMENT AGENCY,
Washington, DC.

Memorandum for: Donna Darlington, Contracting Officer, Office of Acquisition Management.
From: Thomas Ainora, Attorney, Office of General Counsel.
Subject: Grant No. EMW-84-G-1682.

I have reviewed this grant and have the following responses to your memo of May 24, 1884:

(1) Mr. Giuffrida is on the Policy Committee on National Security Affairs of the International Management and Development Institute (IMDI) Fowler-McCracken Commission. I have been informed that this position is an uncompensated one and the IMDI/Fowler-McCracken Commission is a nonprofit organization set up to achieve certain economic and national security goals. FEMA proposes to give a grant to IMDI, and you have raised the possibility of a conflict of interest. The IMDI/Fowler-McCracken Commission is a 501(c)(3) non-profit corporation whose members are made up of the corporate, business, government, diplomatic, academic and journalistic communities. The Commission is funded 50% by the business community and 50% by the public sector. Administration participation includes cabinet officers and agency directors. The Director of FEMA is on the Board by virtue of his official position. He has no personal or economic interest in IMDI and the grant as proposed by the Commission would logically go to this organization. Mr. Giuffrida does not vote on policy determinations of the organization. While there may be the appearance of a conflict at first blush, I do not believe that there is an actual conflict unless Mr. Giuffrida used his position to give preferential treatment to this group. I have no evidence of this and there is a sole source justification in the file which is logical and well reasoned.

(2) OMB Circular A-122 applies to costs for all grants awarded to non-profit organizations. Under any given grant the reasonableness and allocability of certain items of costs may be difficult to determine. This is particularly true in connection with organizations that receive a preponderance of their support from Federal agencies. In order to avoid subsequent disallowance or dispute based on unreasonableness or nonallocability, it is often desirable to seek a written agreement between the awarding agency and the grantee in advance of the incurrence of special or unusual costs. The absence of an advance agreement on any element of cost will not in itself, affect the reasonableness or allocability of that element. If no agreement is negotiated in the grant prior to award, the grant should read that the grantee's submission of costs is neither approved or disapproved and that costs will be allowed by FEMA based on OMB Circular A-122. Any costs disallowed by FEMA auditors will have to be reimbursed by IMDI.

(3) As presently written, any survey conducted by IMDI is subject to all paperwork reduction requirements if the data collection is part of the terms of the grant. (44 U.S.C. 3509, OMB Circular A-40, Information Collection Budget Requirements, Executive Order 12174, OMB Bulletin No. 80-11, FEMA Instruction 5300.1 "Reports Management Program.") Linda Shirley must be consulted and IMDI must agree to this process as the grantee.

(4) I don't have a problem with the use of a grant in this case as FEMA is giving IMDI monies to carry out a public purpose of support or stimulation authorized by law. FEMA is not primarily acquiring property or services for its direct benefit or use (31 U.S.C. 6304).

Mr. **Dellums**. If there is no further business, then the subcommittee will adjourn and reconvene tomorrow morning at 9:30 a.m. in room 2337, Rayburn House Office Building.

At that time we will hear from our colleagues and other witnesses regarding the military construction bill or what we euphemistically refer to as add-on.

The subcommittee is adjourned until tomorrow morning, 9:30 a.m.

[Whereupon, at 4:02 p.m., the subcommittee was adjourned.]

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